First Nations Water Rights in British Columbia

A Historical Summary of the rights of the Tobacco Plains First Nation

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FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:

A Historical Summary of the rights of the Tobacco Plains First Nation

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Gary Robinson
Project Manager
Water Management Branch

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FIRST NATIONS WATER RIGHTS REPORT

BAND: Tobacco Plains

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CHIEF: Josephine Shottanana

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AFFILIATION: Ktunaxa-Kinbasket Tribal Council

LOCATION:

The Tobacco Plains Band occupy one 4277.5 hectare reserve (Tobacco Plains No. 2) located approximately 55 km south of Fernie in the East Kootenay region of British Columbia. The reserve is bordered by the Galton mountain range on the east, the Kootenay mountain range on the west, and the Canada/U.S. border on the south.

The most recent population figures compiled by the Ministry of Finance indicate that the Band has a population of 83 persons living on the Tobacco Plains No. 2 reserve as registered members. It's total population, including registered and non-registered members, living on-reserve, on crown land and off-reserve, is reported as 154.

Tobacco Plains No. 2 is located on the Interior Plateau at elevations ranging from 2,700 to 3,100 feet above mean sea level. The regional climate consists of daily temperatures ranging from an average low of -10 degrees centigrade in January to a high of between 16 to 20 degrees centigrade in July. Average rainfall for the are totals between 50 and 100 centimetres, annually.

Water courses of significance include:

- Edwards Lakes - located on the northwest boundary of the reserve.
- Gordon Creek - a small creek that originates just east of the southeastern border of the reserve. The creek crosses the reserve and appears to terminate east of the municipality of Roosville.
- Johnson Spring - a small spring located just east of Gordon Creek.

- Phillipps Creek - flows from the Galton Range and enters the southeastern corner of the reserve. Phillips Creek then flows through the community of Roosville and across the Canada-US border.

- Reserve Creek - flows west from the Rocky Mountains, and passes through the northeastern boundary of the reserve. Reserve Creek appears to terminate approximately 1.2 km south of Tobacco Plains No. 2.

- Scherf Creek - flows west from the Rocky Mountains (below Reserve Creek), terminating just prior to Tobacco Plains No. 2.

- Semo Creek - a small creek that located south of the community of Grasmere; Semo Creek flows across the northeastern corner of the reserve.

- Shotnana Lake - located in the center of the southern portion of Tobacco Plains No. 2

- Willie Phillipps Creek - flows from the north, across the northern boundary of Tobacco Plains No. 2; Willie Phillips Creek terminates approximately 0.9 km south of the reserve.

- Village Creek - a small creek located to the east of Tobacco Plains No. 2.

WATER ALLOCATIONS:

The water rights of the Tobacco Plains Band have been determined by five actions of government over the years:

1) Allotments by the Indian Reserve Commissioners.

   Following confederation, the Province and the Dominion established an Indian Reserve Commission to reserve, and to facilitate the transfer to the Dominion, lands for the Indians. In setting apart lands for reserves, the Reserve Commissioners made it their practice to allot water with the lands. This practice was unique among Indian Reserves in Canada and the authority of these Commissioners to allot water rights has always been disputed by the Province.

2) Lieutenant Governor-in-Council, approval by Order-in-Council, granting water rights.

3) Determinations of the Board of Investigation under the *Water Act, 1914*, of claims made by the Department of Indian Affairs. In their rulings the Board often ratified water records through the issue of water licenses.

4) The granting of water licenses in response to Federal Government applications requesting authorization for the use of water on reserve lands.

5) Actions to amend licensed rights, pursuant to provisions in the *Water Act*.

HISTORY, CURRENT STATUS, AND NOTES:

The history of water rights, the current status of rights and notes for the Tobacco Plains Band with respect to Edwards Lake, Gordon Creek, Johnson Spring, Phillipps Creek, Reserve Creek, Semo Creek, Scherf Creek, Shotnana Lake, Village Creek, Willie Phillipps Creek, and Young John Creek are as follows:

Edwards Lake

History:

July 18, 1884 — A Minute of Decision (MOD) of the Indian Reserve Commission described a 10,560 acre reserve situated at Tobacco Plains in the Kootenay District. The MOD allocated, for the use of the Upper Kootenay Indians, all the water flowing through the reserve described.

Edwards Lake is partially situated on Tobacco Plains Reserve No. 2.

Mar 24, 1972 — The Director of the Department of Indian Affairs and Northern Development applied for a license to divert and use 300 acre feet per year from Edwards Lake. The water was required for irrigation purposes on the Tobacco Plains Reserve.

Dec 19, 1985 — The water license application on Edwards Lake was refused because insufficient information was filed for proper adjudication of the application.

Dec 30, 1985 — Department of Indian and Northern Affairs filed an appeal with the Comptroller of Water Rights in response to the refusal of application Z 0309871.

Feb 16, 1987 A letter was received by the Department of Indian Affairs stating that the Tobacco Plains Band had no intention of proceeding with the irrigation project which required water from Edwards Lake. The Band indicated that they would reapply upon the completion of project development plans.

Current Status:

There are no licenses currently in effect on Edwards Lake for the benefit of the Tobacco Plains Band.

There is currently one license active on Edwards Lake, held by a third party, which provides for the use of 500 acre feet per year for irrigation purposes and 1000 gallons per day for domestic purposes.

Notes:

1. The Province has not formally recognized the Tobacco Plains Band's water rights on Edwards Lake, as allocated by the Indian Reserve Commission.

Gordon Creek

History:

July 18, 1884 A Minute of Decision (MOD) of the Indian Reserve Commission described a 10,560 acre reserve, situated at Tobacco Plains, in the Kootenay District. The MOD allocated, for the use of the Upper Kootenay Indians, all the water flowing through the reserve described.

Gordon Creek drains onto Tobacco Plains Reserve No. 2.

Oct 22, 1917 The Comptroller of Water Rights issued Conditional Water License 2778 on an un-named spring to the Dominion of Canada - Department of Customs. The license was given a precedence date of November 5, 1915 and authorizes the diversion of 500 gallons per day, year-round for domestic use on Tobacco Plains Reserve No. 2.

Aug 26, 1921 At a final hearing of the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that a valid water record affecting the claim of the Department of Indian Affairs to rights to the use of the waters of Phillips and Gordon Creeks was made under the authority of an Act passed prior to the 12th day of March, 1909. The Order of the Board, numbered 1004, set out that a conditional license should be issued which would:

(i) provide for the diversion of water from Phillipps and Gordon Creeks;
(ii) take precedence from the 9th day of October 1900; and
(iii) authorize the diversion of a maximum of 159 acre feet of water per year for the irrigation of 53 acres of the southerly portion of Tobacco Plains Reserve No. 2.

Jan 25, 1924 The Comptroller of Water Rights issued Conditional Water License 7362, which embodied the terms set out in Board Order 1004.

Dec 14, 1925 The Comptroller of Water Rights issued Final Water License 4968, in substitution of Conditional Water License 2778, to the Dominion of Canada - Department of Customs. Final License 4968 establishes the water source and defines it as Gordon Creek. The license, given a precedence date of November 5, 1915, authorizes the diversion of 500 gallons of water per day for domestic purposes year round, on that part of Tobacco Plains Reserve No. 2 on which the Customs office and its appendages are located.

May 15, 1941 The Comptroller of Water Rights issued Final Water License 11385 to the Director of Indian Affairs. The license, issued in substitution of Conditional Water License 7362, was given a date of precedence of October 9, 1900, and authorizes the diversion of 86 acre feet of water per annum exclusively from Phillipps Creek, for irrigation purposes. The authorization is valid from April 1 to September 30, and the appurtenant lands are specified as 34.4 acres of the South Easterly portion of Tobacco Plains Reserve No. 2.

Mar 5, 1970 Final Water License 4968 was recorded as abandoned.

No further history can be established on this license because the file has since been destroyed.

Current Status:

Final Water License 4646, registered to Beau West Ranch and Final Water License 11385, registered in the name of the Director of Indian Affairs, are the only two active licenses on Gordon Creek. Final Water License 4646 authorizes domestic water use on Gordon Creek in the amount of 1,000 gallons per day.

The rights held by the Tobacco Plains Band under Final Water License 11385 are second in priority on Gordon Creek.

The Water Survey of Canada has no records of streamflow on Gordon Creek. No additional sources of water availability information were located during the course of this study.

Notes:

1. The Tobacco Plains Band's right to water from Gordon Creek, as allocated by the Indian Reserve Commission, has not been formally recognized by the Province.

2. The Tobacco Plains Band's rights authorized under Conditional Water License 7362 were reduced when the Conditional Licence was substituted with Final Water License 11385.

3. The Tobacco Plains Band's licensed water rights on Gordon Creek were lost subsequent to the abandonment of Final Water License 4968.

Johnson Spring

History:

July 18, 1884 — A Minute of Decision of the Indian Reserve Commission described a 10,560 acre reserve, situated at Tobacco Plains, in the Kootenay District and allocated, for the use of the Upper Kootenay Indians, all the water flowing through the reserve.

Johnson Spring is reported to be a tributary to Gordon Creek which drains onto Tobacco Plains Reserve No. 2.

July, 29, 1966 The Tobacco Plains Band applied to the Comptroller of Water Rights for a license to store and use water out of Johnson Spring. The quantity of water to be diverted or stored was reported as 5,000 gallons per day for domestic purposes. The water was required on Tobacco Plains Reserve No. 2, on lands occupied by the Department of National Revenue, Customs and Excise. The proposed works included a filtration bed, concrete storage tank, 4 inch pipe and two 2 inch pipes.

Dec 1, 1969 The Comptroller of Water Rights issued two licenses in response to the above application:

Conditional Water License 34927 was issued to the Superintendent General of Indian Affairs (Kootenay-Okanagan Agency). The license was assigned a date of precedence of July 29, 1966, and authorized the diversion of 2,000 gallons per day, year-round for domestic purposes. The appurtenant lands were specified as that part of Reserve No. 2, Tobacco Plains, Kootenay District, lying east of Elko-Roosville Highway (except Plan B.C. 269).

Conditional Water License 35216 was issued to the Department of National Revenue Customs and Excise Branch. The License was given a date of precedence of July 29, 1966, and authorized the diversion of 3,000 gallons per day, year-round for domestic purposes on that part of Tobacco Plains Reserve No. 2, shown on plan BC 269, lying south-east of plan DF 24955.

June 23, 1992 The Department of National Revenue, Customs and Excise Branch abandoned Conditional Water License 35216.

Current Status:

Conditional Water License 34927, registered to the Tobacco Plains Band, and Final Water License 42564, issued to Lola Hall, are the only licenses active on Johnson Spring. Conditional Water License 34927 authorizes domestic water use in the amount of 2,000 gallons per day.

The Tobacco Plains Band's rights to the waters of Johnson Spring are of first in priority. There is no information on file with respect to the current exercise of rights under these licenses.

The Water Survey of Canada has no records of streamflow on Johnson Spring, however, measurements by regional staff in 1966 and 1967 (reported on file 0317472) indicate that flows were occurring in excess of 20,000 gallons per day.

Notes:

1. The Tobacco Plains Band's rights to waters of Johnson Spring, as allocated by the Indian Reserve Commission, have not been formally recognized by the Province.

2. Under current licensing practices Conditional Water License 34927 would be issued for waterworks purposes. The amendment of the license would allow for the designation of the Johnson Spring drainage area as a 'Community Watershed' under provisions contained in the Forest Practices Code.

Phillipps Creek

History:

July 18, 1884 — A Minute of Decision (MOD) of the Indian Reserve Commission described a 10,560 acre reserve, situated at Tobacco Plains, in the Kootenay District. The MOD allocated, for use of the Upper Kootenay Indians, all the water flowing through the reserve.

Phillipps Creek drains onto Tobacco Plains Reserve No. 2.

Sept 6, 1900 — The Lieutenant Governor-In-Council, on the recommendation of the Chief Commissioner of Lands and Works, ordered that:

> *"....Mr. J. F. Armstrong, Commissioner for South East Kootenay District, be authorized to record a grant of water rights in favor of the Indians located on the Tobacco Plains Indian Reserve.*
>
> *In the matter of the application for a record in favor to the Indians located on the Tobacco Plains Indian Reserve of 100 inches* of water out of Phillips Creek a tributary of the Kootenay River."*

* Note: The reference to an inch of water is understood to be a "miner's inch" of water. The Water Act of 1914 defined a miner's inch as being equal to a flow of .028 cubic feet per second. Calculating this rate of flow over a 120 day irrigation season converts to the equivalent 6.664 acre feet per miner's inch.

Aug 26, 1921 At a final hearing of the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that a valid water record affecting the claim of the Department of Indian Affairs to rights to use the waters of Phillipps and Gordon Creeks was made under the authority of an Act passed prior to the 12th day of March, 1909. The Order of the Board, numbered 1004, set out that a conditional license should be issued which would:

(i) provide for the diversion of water from Phillipps and Gordon Creeks;
(ii) take precedence from the 9th day of October 1900; and
(iii) authorize the diversion of a maximum of 159 acre feet of water per year for the irrigation of 53 acres of the southerly portion of Tobacco Plains Reserve No. 2.

Jan 25, 1924 The Comptroller of Water Rights issued Conditional Water License 7362, which embodied the terms and conditions set out in Board Order 1004.

May 15, 1941 The Comptroller of Water Rights issued Final Water License 11385 to the Director of Indian Affairs. The License, issued in substitution of Conditional Water License 7362, was given a date of precedence of October 9, 1900 and authorizes the diversion of 86 acre feet of water per annum exclusively from Phillipps Creek, for irrigation purposes. The water is authorized for use from April 1 to September 30, on 34.4 acres of the southeasterly portion of Tobacco Plains Reserve No. 2.

Accompanying Final Water License 11385 was Permit No. 2079 authorizing the occupation of 1.24 acres of unoccupied Crown Lands, within DL 4589 and SL 45 of the Kootenay Land District.

Current Status:

There is currently a total of 16 licenses on Phillipps Creek. Of these licenses:

- 12 authorize the use of water exclusively for irrigation purposes, ranging from 0.60 to 335 acre feet of water per year.
- 1 authorizes the use of 1,000 gallons of water per day for domestic uses.
- 2 authorize the use of water for both irrigation and domestic purposes, ranging from 24 to 39.13 acre feet of water per year for irrigation, and between 100 and 200 gallons per day for domestic.
- 1 authorizes the use of 11 cubic feet of water per second for power-commercial use.

The rights held by the Tobacco Plains Band under Final Water License 11385 are second in priority on Phillipps Creek.

There is unsubstantiated information on file indicating that Final Water License 11385 was not being beneficially used in the early 1980's. No further information regarding use authorized by the Final License 11385 was found.

Water Survey of Canada records show that gauging stations have been operated at various times at station 08NG047 (Phillipps Creek near Roosville - Lower Station), Station 08NG048 (Phillipps Creek near Roosville - Upper Station), and Station 08NG008 (Phillipps Creek at Roosville). The most useful records of streamflow on Phillipps Creek are from station No. 08NG047 which measured flows between April and November of each year between 1947 and 1964. These records show that for the period recorded, a low mean monthly flow of 0.071 cubic meters per second occurred in November, increasing to a high in June of 2.18 cubic metres per second. Based on this information it would appear that there are un-allocated flows available from Phillipps Creek.

Notes:

1. The Province has not formally recognized the Tobacco Plains Band's right to water from Phillipps Creek, as allocated by the Indian Reserve Commission.

2. The allocation of water made by the Lieutenant Governor-in-Council was equivalent to 666 acre feet of water; however, the Band's licensed water rights have never exceeded 159 acre feet of water.

3. The Tobacco Plains Band's licensed rights to water authorized under Conditional Water License 7362, were reduced with the substitution of Conditional License 7362 by Final Water License 11385.

Reserve Creek

History:

July 18, 1884 — A Minute of Decision (MOD) of the Indian Reserve Commission described a 10,560 acre reserve, situated at Tobacco Plains, in the Kootenay District and allocated, for the use of the Upper Kootenay Indians, all the water flowing through the reserve.

Reserve Creek drains onto Tobacco Plains Reserve No. 2.

Aug 13, 1896 The Lieutenant Governor-in-Council approved an Order granting water rights under the authority of Section 52 of the Land Act. The Order, as it pertains to Reserve Creek, allocates 200 inches* of water for the use of the Tobacco Plains Band

* Note: The reference to an inch of water is understood to be a "miner's inch" of water. The Water Act of 1914 defined a miner's inch as being equal to a flow of .028 cubic feet per second. Calculating this rate of flow over a 120 day irrigation season converts to the equivalent 6.664 acre feet per miner's inch.

Aug 26, 1921 At a final hearing of the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that a valid water record affecting the claim of the Department of Indian Affairs to rights to use the waters of Reserve, Semo and Willie Phillipps Creeks was made, under the authority of an Act passed prior to the 12th day of March, 1909. The Order of the Board, numbered 989, set out that a conditional license should be issued which would:

(i) provide for the diversion of water from Reserve, Semo and Willie Phillipps Creeks;
(ii) take precedence from the 23rd day of September 1896; and
(iii) authorize the diversion of 2805 acre feet of water per year for the irrigation of 935 acres of a northern portion of Tobacco Plains No. 2.

Jan 25, 1925 The Comptroller of Water Rights issued Conditional Water License 7361, which embodied the terms set out in Board Order 989.

Jan 15, 1935 The Comptroller of Water Rights issued Final Water License 9090, in substitution of Conditional Water License 7361, to the Superintendent General of Indian Affairs. The license was given a precedence date of September 23, 1896 and authorizes the diversion of 144 acre feet of water per year from Willie Phillips Creek and 96 acre feet of water per year from Reserve Creek, for use on 107 acres of Tobacco Plains Reserve No. 2. Of this volume, 10,000 gallons per day is available for domestic use.

June 15, 1982 The Comptroller of Water Rights issued an Order to correct the spelling of Willie Phillipps Creek.

Dec, 1983 The Department of Indian and Northern Affairs requested an amendment of Final Water License 9090 for authorization to use up to 21,300 gallons of water per day for domestic purposes.

Nov 22, 1985 The Comptroller of Water Rights issued two licenses in substitution of Final Water License 9090. The licenses authorized a change of works and a change in purpose:

- Conditional License 63480 authorizes diversion from Reserve Creek of 67.86 acre feet per annum for irrigation of 30.16 acres, and 21,000 gallons per day for waterworks purposes.
- Final License 63479 authorizes diversion of 144 acre feet per year from Willie Phillipps Creek, for irrigation of 64 acres.

Current Status:

Conditional Water License 63480, held by the Tobacco Plains Band, is the only license active on Reserve Creek.

The Water Survey of Canada has no records of streamflow on Reserve Creek. No additional sources of water availability data were located during the course of this investigation.

Notes:

1. The Province has not formally recognized the Tobacco Plains Band's rights to the waters of Reserve Creek, as allocated by the Indian Reserve Commission.
2. The current allocation of water rights licensed to the Tobacco Plains Band is less than the amount originally approved by the Lieutenant Governor-in-Council.
3. Final Water License 9090 (which was subsequently replaced by Conditional Water License 63480) reduced the licensed rights held by the Tobacco Plains Band than what was originally held under Conditional Water License 7361.
4. With the issue of Conditional Water License 63480, the Band was given the right to use 21,000 gallons per day; however, their irrigation rights were adjusted downwards, without consideration for the 1983 request for amendment (Final Water License 9090) submitted by the Department of Indian and Northern Affairs, for additional water.

Scherf Creek

History:

Mar 24, 1972 The Director of Indian Affairs and Northern Development applied to the Comptroller of Water Rights for a license to divert and use 250 acre feet of water out of Scherf Creek for irrigation purposes.

April 3, 1979 The Comptroller of Water Rights refused the water application as investigation showed that Scherf Creek was fully recorded and there was insufficient water in the source to grant new licenses.

Current Status:

There are no licenses issued to the Tobacco Plains Band on Scherf Creek. The only active license on Scherf Creek is Conditional Water License 28589, which authorizes the use of 1,500 gallons of water per day for domestic purposes and 375 acre feet per year for irrigation.

The Water Survey of Canada has no records of streamflow on Scherf Creek, however, flow measurements reported by the Regional Water Manager would seem to indicate that the existing license cannot be satisfied year round.

Notes:

1. The allotment made by the Indian Reserve Commission for the benefit of the Tobacco Plains Band may apply to Scherf Creek. There is insufficient information available to determine if Scherf Creek drains onto the reserve.

Semo Creek

History:

July 18, 1884 A Minute of Decision (MOD) of the Indian Reserve Commission described a 10,560 acre reserve, situated at Tobacco Plains, in the Kootenay District and allocated, for the use of the Upper Kootenay Indians, all the water flowing through the reserve.

Semo Creek drains onto Tobacco Plains Reserve No. 2.

Aug 13, 1896 The Lieutenant Governor-in-Council approved an Order granting water rights under the authority of Section 52 of the Land Act. As it pertains to Semo Creek, the Order allocates 100 inches* of water for the use and benefit of the Tobacco Plains Band.

* Note: The reference to an inch of water is understood to be a "miner's inch" of water. The Water Act of 1914 defined a miner's inch as being equal to a flow of .028 cubic feet per second. Calculating this rate of flow over a 120 day irrigation season converts to the equivalent 6.664 acre feet per miner's inch.

Aug 26, 1921 At a final hearing of the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that a valid water record affecting the claim of the Department of Indian Affairs to rights to use the waters of Reserve, Semo and Willie Phillipps Creeks was made under the authority of an Act passed prior to the 12th day of March, 1909. The Order of the Board, numbered 989, set out that a conditional license should be issued which would:

(i) provide for the diversion of water from Reserve, Semo and Willie Phillipps Creeks;
(ii) take precedence from the 23rd day of October 1896; and
(iii) authorize the diversion of a maximum of 2805 acre feet of water per year for the irrigation of 935 acres of the northerly portion of Tobacco Plains Reserve No. 2.

Jan 25, 1925 The Comptroller of Water Rights issued Conditional Water License 7361, which embodied the terms and conditions set out in Board Order 989.

Jan 15, 1935 The Comptroller of Water Rights replaced Conditional Water License 7361 with Final Water License 9090. Semo Creek was not included as a source of water under the new license.

Current Status:

There are no licenses currently active on Semo Creek.

The Water Survey of Canada has no records of streamflow on Semo Creek. No other sources of water availability information were located during this review.

Notes:

1. The Band's rights to the waters of Semo Creek, as allocated by the Indian Reserve Commission, has not been formally recognized by the Province.

2. The current allocation of water licensed to the Tobacco Plains Band, is less than the amount originally approved by the Lieutenant Governor-in-Council.

3. Final Water License 9090, issued in substitution of Conditional Water License 7361, reduced the water rights of the Tobacco Plains Band on Semo Creek.

Shotnana Lake

History:

July 18, 1884 — A Minute of Decision (MOD) of the Indian Reserve Commission described a 10,560 acre reserve, situated at Tobacco Plains, in the Kootenay District and allocated, for the use of the Upper Kootenay Indians, all the water flowing through the reserve.

Shotnana Lake is located on the reserve.

Current Status:

There are no active licenses reported on Shotnana Lake.

The Water Survey of Canada has no records for Shotnana Lake. No other water availability information for the Lake, was located during this review.

Notes:

1. The Band's rights to the waters of Shotnana Lake, as allocated by the Indian Reserve Commission, have not been formally recognized by the Province.

Willie Phillipps Creek

History:

July 18, 1884 A Minute of Decision of the Indian Reserve Commission described a 10,560 acre reserve, situated at Tobacco Plains, in the Kootenay District and allocated, for use of the Upper Kootenay Indians, all the water flowing through the reserve.

Willie Phillipps Creek drains onto Tobacco Plains Reserve No. 2.

Aug 13, 1896 The Lieutenant Governor-in-Council approved an Order granting water rights under the authority of Section 52 of the Land Act. As it pertains to Willie Phillipps Creek the Order allocates 200 inches* of water for the use of the Tobacco Plains Band.

* Note: The reference to an inch of water is understood to be a "miner's inch" of water. The Water Act of 1914 defined a miner's inch as being equal to a flow of .028 cubic feet per second. Calculating this rate of flow over a 120 day irrigation season converts to the equivalent 6.664 acre feet per miner's inch.

Aug 26, 1921 At a final hearing of the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that a valid water record affecting the claim of the Department of Indian Affairs to rights to the waters of Reserve, Semo and Willie Phillipps Creeks was made under the authority of an Act passed prior to the 12th day of March, 1909. The Order of the Board, numbered 989, set out that a conditional license should be issued which would:

(i) provide for the diversion of water from Reserve, Semo and Willie Phillipps Creeks;
(ii) take precedence from the 23rd day of October 1896; and
(iii) authorize the diversion of a maximum of 2805 acre feet of water per year for the irrigation of 935 acres of the northerly portion of Tobacco Plains Reserve No. 2.

Jan 25, 1925 The Comptroller of Water Rights issued Conditional Water License 7361, which embodied the terms and conditions set out in Board Order 989.

Jan 15, 1935 The Comptroller of Water Rights issued Final Water License 9090 to the Superintendent General of Indian Affairs in substitution of Conditional Water License 7361. The license was given a date of precedence of September 23,1896 and authorizes the diversion of 144 acre feet of water per annum from Willie Phillipps Creek and 96 acre feet per annum from Reserve Creek. Of these quantities 10,000 gallons is available for use for domestic purposes. The water is specified for use on 107 acres of Tobacco Plains Reserve No. 2 of the Kootenay District.

June 15, 1982 The Comptroller of Water Rights issued an Order to correct the spelling of Willie Phillipps Creek.

Nov 22, 1985 The Comptroller of Water Rights issued two licenses in substitution of Final Water License 9090 to authorize a change of works and a change in purpose:

- Conditional Water License 63480 authorizes the diversion of 67.86 acre feet per year for the irrigation of 30.16 acres, and 21,000 gallons per day for waterworks purposes, from Reserve Creek.
- Final Water license 63479 authorizes the diversion of 144 acre feet per annum for irrigation from Willie Phillipps Creek.

Current Status:

There are currently 7 licenses reported on Willie Phillipps Creek. One of the seven licenses is registered to the Tobacco Plains Band. Of the licenses on Willie Phillipps:

- 2 authorize the diversion of small quantities of water for irrigation purposes, of 6.60 and 30 acre feet of water from April 1 to September 30.
- 3 authorize the use of water for domestic purposes ranging from 500 to 2,000 gallons a day.
- 2 authorize the diversion of large quantities of water for irrigation purposes, of 144 and 228 acre feet of water, from April 1 to September 30.
- 1 authorizes the use of 0.75 cubic feet per second for residential power purposes.

* Note: One license may authorize use and diversion for more than one purpose.

Under Final Water License 63479, the Tobacco Plains Band holds first priority rights on Willie Phillipps Creek.

The Water Survey of Canada has no records of streamflow on Willie Phillipps Creek, however, information filed by the Regional Manager in 1981 indicates that the stream does not satisfy existing license requirements in the late summer.

Notes:

1. The Band's rights to the waters of Willie Phillipps Creek, as allocated by the Indian Reserve Commission, have not been formally recognized by the Province.

2. The current allocation of rights licensed to the Tobacco Plains Band is less than the amount originally approved by the Lieutenant Governor-in-Council.

3. Final Water License 9090, issued in substitution of Conditional Water License 7361, reduced the water rights of the Tobacco Plains Band on Willie Phillips Creek.

Village Creek

History:

July 18, 1884 — A Minute of Decision of the Indian Reserve Commission described a 10,560 acre reserve, situated at Tobacco Plains, in the Kootenay District and allocated, for the use of the Upper Kootenay Indians, all the water flowing through the reserve.

Village Creek flows through Tobacco Plains Reserve No. 2.

Jan 2, 1964 — The Comptroller of Water Rights issued Conditional Water License 28552 to the Director of Indian Affairs. The license was given a date of precedence of July 31, 1963 and the authorizes the diversion of 2,000 gallons of water a day for domestic purposes from Village Creek. The water is authorized for use throughout the year on the Tobacco Plains Reserve No. 2, in the Kootenay District.

Current Status:

The license held by the Tobacco Plains Band (Conditional Water License 28552) is the only license active on Village Creek.

The Water Survey of Canada has no records of streamflow on Village Creek. A single measurement in November of 1963 recorded a flow of 118 gallons of water per day.

Notes:

1. The Tobacco Plains Band's rights to the waters of Village Creek, as allocated by the Indian Reserve Commission, have not been formally recognized by the Province.

OTHER INFORMATION:

Groundwater Records:

A review of well records maintained by the MELP - Groundwater Section indicates that 6 wells have been reported on Tobacco Plains Reserve No. 2. The wells yield small amounts of water, ranging from 4 to 20 gallons per minute. The extent to which the wells are utilized at this time, is unknown. Further details can be found n Appendix 7

Provision of well information to the Groundwater Section is voluntary. As such the review provided should not be assumed to be complete.

ATTACHMENT 1

Summary of Water Records

Tobacco Plains

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
"all water flowing through the reserve"	1884/07/18	Tobacco Plains #2		MOD			*"all water flowing through the reserve"* (AGBC #590472)	Water allotments from the *Indian Reserve Commission* : not formally recognized by Province. Includes: *Edwards Lake , Gordon Creek , Johnson Spring, Phillips Creek, Reserve Creek,Semo Creek*
Phillipps Creeks	1900/09/06	Tobacco Plains #2		OIC No. 507/1900			100 inches; Converted equivalent: 556 AF. (AGBC #626)	OIC No. 507/1900: Allocation equivalent to 666 AF; licenced allocations for Phillips Creek have never exceeded 159 AF.
Phillipps and Gordon Creeks	1900/10/09	Tobacco Plains #2	1004	CL 7362	Superceded	FL 11385	159 AF/Irrigation 1000 GAD/Domestic	CL 7362: Formally recognized allotments from *Indian Reserve Commission* ; based on *Board Order 1004* .
Phillipps Creek	1900/10/09	Tobacco Plains #2	241154	FL 11385	Current		86 AF/Irrigation	FL 11385: *Priority* 2 on Phillips Creek. Substitution of CL 7362 resulted in a loss of licenced rights.
Gordon Creek *(Originally cited as "Unnamed Spring")*	1915/11/05	Tobacco Plains #2	33101	CL 2778	Superceded	FL 4968	500 GAD/Domestic	

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Gordon Creek	1915/11/05	Tobacco Plains #2	33101	FL 4968	Abandoned		500 GAD/Domestic	
Johnson Spring	1966/07/29	Tobacco Plains #2	270277	CL 34927	Current		2000 GAD/Domestic	CL 34927: *Priority 1* on Johnson Spring. Potential designation "*Community Watershed*"; requires ammendment - purpose = "*waterworks*".
Johnson Spring	1966/07/29	Tobacco Plains #2	285300	CL 35216	Abandoned		3000 GAD/Domestic	
Reserve Creek, Willie Phillipps Creek	1896/08/13	Tobacco Plains #2		OIC			200 inches; Converted equivalent - 556 AF	
Reserve Creek, Willie Phillipps Creek and	1896/09/23	Tobacco Plains #2	989	CL 7361	Abandoned	FL 9090	2,805 AF/Irrigation 10,000 GAD/Domestic	CL 7361: Based on *Board Order 989*.
Reserve Creek and Willie Phillipps Creek	1896/09/23	Tobacco Plains #2	241153	FL 9090	Superceded	CL 63480 CL 63479	10000 GAD/Domestic; 144 AF/Irrigation - Willie Phillips Creek; 96 AF/Irrigation - Reserve Creek.	FL 9090: *Semo Creek* not included as a source of water under the this licence.
Reserve Creek	1896/09/23	Tobacco Plains #2	370651	CL 63480	Current		67.86 AF/Irrigation 21,000 GAD/Waterworks	
Willie Phillipps Creek	1896/09/23	Tobacco Plains #2	241153	FL 63479	Current		144 AF/Irrigation	FL 63479: *Priority 1* on Willie Phillips Creek.

Water Source	Priority Date	Reserve Name	File No.	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Semo Creek	1896/08/13	Tobacco Plains #2		OIC			100 inches	
Village Creek	1963/07/31	Tobacco Plains #2	251129	CL 28552	Current		2000 GAD/Domestic	

LEGEND:

License Types (Document Types)
CL: Conditional License
FL: Final License
Z: Application

Mechanisms for Allocation (Document Type)
OIC: Order-in-Council (as issued by the Lieutenant Governor in Council)
MOD: Minute of Decision (as recorded under the Indian Reserve Commission)
IRC: Indian Reserve Commission
AGBC: Attorney Generals Office of BC (followed by File #)

Allotment Units
GAD: Gallons a day
AF: Acre feet
CFS: Cubic feet per second

ATTACHMENT 2

Minutes of Decision.

Upper Kootenay Indians.

No 2.

A Reserve of ten thousand, five hundred, and sixty (10.560) acres (approximately) situated at Tobacco Plains, Kootenay district.

Commencing at a monument on the International boundary line, at the foot of the Rocky mountains, and running East ten (10) chains; thence North twenty (20) chains; thence West eighty (80) chains; thence North five hundred (500) chains; thence West two hundred (200) chains; thence South five hundred, and seventy (520) chains, and thence East two hundred and seventy (270) chains to the place of commencement.

All water flowing through this reserve is allotted to the use of the Indians.

A. McKay
I.R.C.

Kootenay. B.C.
July 18th 1884.

Nº 2

UPPER KOOTENAY INDIANS.

TOBACCO PLAINS.

10560 acres.

SCALE 1 INCH = 60 CHAINS.

AGBC 587

On a Memorandum from the Honourable the Chief Commissioner of Lands and Works, dated 12th August 1896, enclosing a report from the Government Agent for East Kootenay District upon the application of Mr Indian Agent Galbraith for a grant of certain water rights under authority of Section 52 of the Land Act for the use and benefit of the StMary's, Tobacco Plains, Columbia Lakes and Shuswap Bands of Indians.

And recommending that the Government Agent be authorized to record the said water rights upon the conditions he advises.

The Committee advise approval

Thos. R. Pooley

President of Executive Council

Approved 13th August, 1896.

Theodore Davie C.J.

Administrator

In the matter of an application for a water grant of one thousand miner's inches from various streams as detailed below for the term of perpetuity. Such water to be taken from its source and to be carried in ditches or flumes as detailed below and to be used by the respective Owners of Properties for irrigation purposes on their respective ranches

Name of Indian	Source of water	Inches per Second	Point of Diversion	Name of Person who have notice to be affixed to the ditch or flume	Use
St Mary's	St Mary's River	400	One mile above Bridge		B
"	Cherry Creek	100	From here to the Bridge ditch	Peter Boyle	B
Tobacco Plains	H. Phillips	200	From lake to Phillips residence	Peter Boyle and Phillips	B
"	Perry	200	On Perry		B
"	Lyons	100	On Lyons		
Columbia Lake	Mowigan	100	From here to Wells Gray ditch	Walter Eyans	B.C.
"	Tatley	200	On Perry		C.
"	Sam	200	On Perry		C
"	Sophy	200	On Perry		C
Shuswap	Shuswap	100	From the Landing residence	John Lambert	B.C.
"	Lake in Pasture	100	On Perry		B.C.

I would report that I have not examined the streams taken any evidence on oath but that from information received from the Indian Agent and other persons I believe:

1° The provisions of the Land Act relating to notice of application to divert and record water have been complied with.

2° Notices concerning those quantities of water marked B in the above table were published in the British Columbia Gazette for the sixty days commencing on the 30th day of April 1896 and in the East Kootenay Prospector for the same days commencing the 25th day of April 1896

3° Notices concerning those quantities of water marked C in the above table were published in the British Columbia Gazette for the 60 days commencing 20th June 1889, and also in the Victoria Weekly Times of about the same date. No newspaper was then published in the Kootenay

4 The water applied for with the exception of that from Mary River and all of that from Cherry Creek has been used by the Respective Indians for many years and ditches and flumes have been constructed but no grants have been received.

5 No damage is likely to accrue from the diversion to the land owners or other persons having water rights on the streams mentioned

6 The volume of water in the streams mentioned is sufficient for the cultivated land in the vicinity

7 The quantity of water applied for is necessary and reasonable

I would further report that on the 8th day of June 1896 I sent by registered letter prepaid a copy of the notice mentioned in section 40 to Peter Argue, William Phillips, Hattie Fegan and John Lambert and on the 31st day of July I sent a similar notice to the Columbia and Kootenay Railway and Navigation Company Vancouver, a copy of which is hereto annexed

I would recommend that the water rights be granted on condition that the irrigation ditches or flumes be properly covered wherever they cross public roads

Dated at Donald B.C. 8th August 1896

J. F. Armstrong
Assistant Commissioner of
Lands and Works
District of East Kootenay.

Notice

Kootenay Indian Agency

A list of Water privileges submitted for Record being the quantities of Water required for all time to come, for irrigating purposes by the under-named bands of Indians

St. Mary's Band

Four hundred inches of Water to be taken into a ditch or flume from St. Mary's River on the south side, at a point about a mile below St. Mary's Bridge, the direction of the ditch will be East.

One hundred inches out of Cherry Creek to be taken into a ditch or flume near the head of the Peter Boyle's ditch, and follow its line until it reaches the bench land, thence south to the Indian Reserve.

Tobacco Plains Band

Two hundred inches from a Creek running thro' the Phillipps' pre-Emption, and to be taken into a ditch near his house say, thence south thro' the Reserve.

Two hundred inches from Reserve Creek at a point where the Creek emits at the foot of the Mountain thence West to Reserve.

Columbia Lake Band

One hundred inches out of Marysan Creek to be taken into a ditch near the Jaggith thence south and West near the Rogers farm to Reserve.

Shuswap Band

One hundred inches to be taken into a ditch out of Shuswap Creek, about a quarter of a mile East of Wagon Road thence West and South thro the Reserve.

One hundred inches from Lilac Creek about a quarter of a mile East of Wagon Road thence West thro Indian Reserve.

Fort Steele B.C.
April 15th 1896.

R. L. Galbraith
Indian Agent

NOTICE

Notice is hereby given, that thirty days after this date, the Indian Agent will apply for a grant of two hundred inches of water from a creek running through William Phillipps' pre-emption, for the space of perpetuity. Such water to be used for irrigation purposes by the Tobacco Plains Band of Indians on their Reserve and is to be diverted from its course at a point on William Phillipps' pre-emption one quarter of a mile south of the residence of William Phillipps and will be carried in a ditch or flume over land belonging to William Phillipps, to the Canadian Pacific Railway, and the Indian Reserve and one hundred inches from "Sand" Creek to be taken near the east boundary of the Indian Reserve at Tobacco Plains.

[illegible] Fairfield

Fort Steele B.C. Agent

April 15th 1896

A copy of the above notice was made by the Columbia and Kootenay Railway and Navigation Co. Vancouver B.C. on the 31st day of July 1896

J.F. Armstrong
Surveyor

507
1900

Dated 6th September.

ORDER-IN-COUNCIL

providing

authority for granting water rights on Tobacco Plains Indian Reserve.

AGBC 626

At the Executive Council Chamber, Victoria, B. C.,

The 6th: day of September, A. D. 1900.

Present:

The Honourable

Mr. Turner. (in the Chair.)

Mr. Wells.

Mr. Eberts.

Mr. McBride.

Mr. Prentice.

On the recommendation of the Honourable the Chief Commissioner of Lands and Works and under the provisions of Victoria, Chapter His Honour the Lieutenant-Governor of British Columbia, by and with the advice of the Executive Council, doth order as follows:

That Mr. J. F. Armstrong, Commissioner for South East Kootenay District, be authorized to record a grant of water rights in favour of the Indians located on the Tobacco Plains Indian Reserve.

A. Campbell Redgrave.

Deputy Clerk: Executive Council.

APPROVED AND ORDERED THIS Sixth DAY OF September A.D. 1900

Henri G. Joly de Lotbinière
LIEUTENANT-GOVERNOR

To His Honour

The Lieutenant-Governor in Council:

The undersigned has the honour to recommend to Your Honour that [illegible], Chief Engineer and Surveyor, East Kootenay District, be authorized to record a grant of water rights in favour of the Indians located on the Tobacco Plains Indian Reserve in accordance with the application of the Indian Agent Galbraith and the reports of the District Engineer (vide provisions of Sec. 30 of the "Water Clauses Consolidation Act 1897") which are attached to this Minute.

Dated this 6th day of September, A.D. 1900.

A. G. Smith

Chief Commissioner of Lands and Works.

Approved this 8th day of September, A.D. 1900.

J. H. Turner

Provincial Member of the Executive Council

In the matter of the application for a grant in favour of the Indians located on the Tobacco Plains Indian Reserve of 100 inches of water out of Kimpo Creek a tributary of the Kootenay River.

I, James Farquhar Armstrong, Assistant Commissioner of Lands and Works of the South Eastern Division of the Electoral District of East Kootenay, do hereby report as required by Section 28 of the Water Clauses Consolidation Act:-

1.- That the provisions of the said Act relating to notice of application to divert and record water, have in this matter been satisfied.

2.- That the notice as required was published for one month in the British Columbia Gazette sent in the Fort Steele Prospector, a newspaper published in the district.

3.- That I have given personal notice to Michael Phillips of Tobacco Plains the only person who is affected by the proposed diversion a copy of such notice.

4.- That the volume of water in the said stream is about one thousand inches.

5.- That no damage or benefit is likely to accrue from such diversion to land owners or other persons having water rights on such stream.

6.- That the amount of water asked for is necessary and reasonable.

Dated at Fort Steele this 20th day of August A.D. 1900.

J. F. Armstrong
Commissioner

ATTACHMENT 3

3 0309871

Application for a Water Licence

WATER ACT

(Section 8)

PROVINCIAL GOVERNMENT AGENT RECEIVED MAR 24 1972 PRINCE, B. C.

I, Director, Department of Indian Affairs and Northern Development
(Full name or names, if land owned jointly.)

of Ottawa, Ontario
(Address.)

hereby apply to the Comptroller of Water Rights for a licence to {divert and use / store} water out of

Edwards Lakes which flows south-east
(Name of creek, lake, or spring.) (Direction of flow.)

and discharged into Kootenay River and give notice of my application to all persons affected.

The point of diversion / The storage-dam will be located at approx. 3/16 of a mile south of north boundary of Tobacco Plains Indian Reserve
(Give distance and direction from some surveyed or known point.)

The quantity of water to be diverted or stored is 300 acre feet per annum
(Cubic feet per second, gallons per day, or acre-feet per annum.)

The purpose for which the water will be used is irrigation

The land or mine on which the water will be used is/are Tobacco Plains Indian Reserve, Grasmere, B.C.

A copy of this application was posted on the seventeenth day of March, 1972
(Day.) (Month.)

at the proposed point of diversion or site of the dam and on the land or mine where the water is to be used

and two copies will be filed in the office of the Water Recorder at Cranbrook, B.C.

Objections to this application may be filed with the said Water Recorder or with the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C., within thirty days of the serving of a signed copy of the application.

APR 4 1972

VICTORIA, B. C.

Director, Department of Indian Affairs and Northern Development
Applicant.

per J. Glendale
District Supervisor
Kootenay-Okanagan District
Department of Indian Affairs
Room 3, 3101 - 32nd Avenue
Vernon, B.C.

IMPORTANT—

(2) Irrigation - Storage 826/30 (A-4)

Every applicant must do the following:—

(1) *Post the application on the ground*: that is, in conspicuous places at or near the proposed point of diversion, site of the dam (if any), and place of use.

(2) *File two copies with the Water Recorder* in whose district the point of diversion will be, within ten days of the posting on the ground.

(3) Within fifty days of the posting of the application on the ground, serve signed copies on all owners of land or mining property that will be affected physically by the proposed works or by the operation or utilization thereof, and on all licensees or prior applicants whose points of diversion are at or below the applicant's proposed point of diversion.

All copies must be signed and completed by filling in the blanks in the above form; and, in addition, the two copies filed with the Water Recorder must contain a sketch showing the applicant's land, the location of the point of diversion and the dam (if any), and all land touched or crossed by the works, and the additional information indicated on the other side of the form.

It is advisable to file the application with the Water Recorder as soon as possible after posting it on the ground because the date of filing will, in most cases, determine the priority of the licence that may be issued.

#345

NOTE.—This sheet need only be completed on the two copies of the application filed with the Water Recorder.

To the Comptroller of Water Rights:

In support of my application for a water license I submit the following information:—

(1) My title to the place of use is held by the Crown - Indian Reserve
(Whether registered owner, agreement holder, pre-emptor, etc.)

(2) The proposed works will be pump and pipe to lower area of Reserve
(Give general description—pump, pipe, ditch, etc.)

(3) The dam to be constructed will be a earth fill dam, and
(Type)

will be 8 feet in height, and 200 feet in length.

(4) The maximum area of the reservoir will be 60 acres.

(5) The depth of storage at the dam, from bottom of sluice-pipe to crest of the spillway, will be — feet.

(6) The head of water to be used will be — feet.
(For power and hydraulic mining only.)

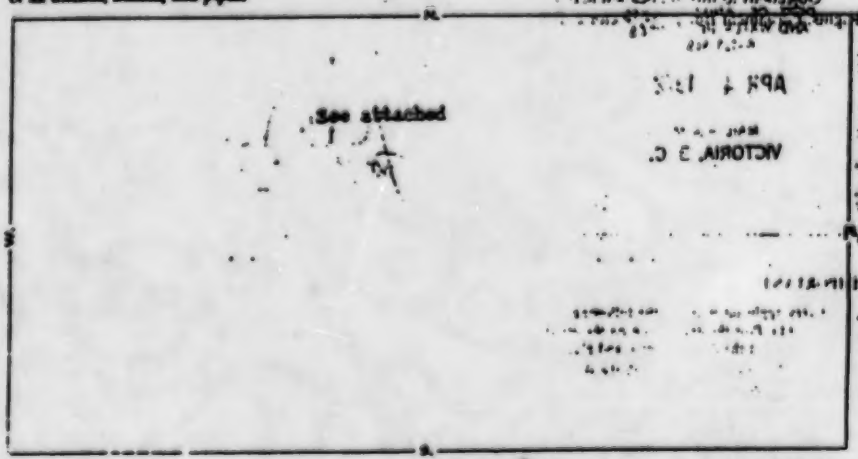
(7) The area of land to be irrigated will be 120 acres acres.

(8) (*a*) The works will be entirely on my own property, or

(*b*) The works will affect physically the property of the following owners:—

Name of Owner, including the Crown	Land Description of Land	Area Required for Works	
		Length	Breadth
	NIL		

Sketch, showing applicant's land and all other land touched by the works or flooded, also the location of the point of diversion and other works, including buildings to be served with water, if applicable, and the lengths of all ditches, flumes, and pipes.



Director, Department of Indian Affairs and Northern Development
Applicant.

District Supervisor
Okanagan-Shuswap District
Room 3, 3101 - 32nd Avenue
Vernon, B.C.
Agent.

Province of
British Columbia

Ministry of
Environment

Regional Manager
Water Management Branch
310 Ward Street
Nelson
British Columbia
V1L 5S4

December 19, 1985

File No. 0309871

WATER MANAGEMENT BR.
RECEIVED
DEC 24 1985
VICTORIA, B.C.

Dept. of Indian and Northern Affairs
P.O. Box 1000
800 Burrard Street
Vancouver, B.C.
V6Z 2S3

Dear Sir:

Re: Water Licence Application - Edwards Lake

Investigation has shown that despite repeated requests you have not supplied the information necessary for this office to adjudicate your application. In the interim other applications are being held up.

In view of the foregoing, your application is hereby refused.

Any fee refunds due as a result of the above will be either credited to existing licences in your possession or refunded to you by the Minister of Finance.

Your right of appeal to this decision lies to the Comptroller of Water Rights and must be made within 15 days of the date of this letter. The appeal should be directed to the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C. V8V 1X5, together with reasons for the appeal.

Yours truly,

J.H. Dyck
Regional Water Manager

JHD:hc
cc: Deputy Comptroller of Water Rights
Water Management Branch, Cranbrook

Affairs Canada et du Nord Canada

December 30, 1985

E43[illegible]-6-D40

MINISTRY OF ENVIRONMENT
WATER MANAGEMENT BRANCH
DEC 31 1985
File:

Comptroller of Water Rights
Parliament Buildings,
Victoria, B.C.
V8V 1X5

RE: WATER LICENCE APPLICATION - EDWARDS LAKE

Further to Mr. J.H. Dyck's letter December 19, 1985 we request an extension of the appeal period to January 31, 1986. This will allow time for a return of the District Superintendent, Reserves and Trusts from holidays to review the files and formulate a response.

We have discussed this request with Mr. J.H. Dyck at Nelson. He agreed that it would be reasonable to request an extension.

Yours truly,

For
Stephen W. Kozey
A/District Manager
Central District
P.O. Box 1000
800 Burrard Street
Vancouver, B.C.
V6Z 2J3

c.c.
Water Management Branch
106 Fifth Avenue South
Cranbrook, B.C.
V1C 2G2

Mike Sakamoto
Director, P.I.G.R.
B.C. Region

Canada

23

January 8, 1986

File 0309871

Stephen W. Rosey
Assistant District Manager, Central District
Indian and Northern Affairs, Canada
P. O. Box 1000
800 Burrard Street
Vancouver, B. C.
V6Z 2J3

Dear Sir:

Your letter dated December 30, 1985, has been accepted as an appeal under Section 38 of the Water Act from the decision of the Regional Water Manager dated December 19, 1985 to refuse your application for a water licence from Edwards Lake.

I have asked the Regional Water Manager to provide me with the reasons for such a refusal. When I receive his report, I will send you a copy and give you an opportunity to present in writing your arguments for granting of your licence. Your submission will be sent to the Regional Water Manager for his rebuttal.

After reviewing your submission and the Regional Water Manager's report and rebuttal, I will decide upon your appeal or if I am not satisfied that I have all the information relating to the appeal, I will hold an oral hearing.

Please contact Mr. R. Penner P. Eng., (telephone 387-6945) of this office if you have any questions regarding the appeal process.

Yours truly,

J. E. Farrell
Deputy Comptroller of Water Rights

LK/ht
cc: Regional Water Manager
Kootenay Region

P.S. To R.E.: Please advise if the Engineer's report contains all the reasons for your decision. In addition to the report you may present to the hearing of the appeal any information that you consider is in support of your decision. Such additional information and the engineer's report may be forwarded to the participants in this appeal. If the material in your presentation cannot be duplicated on an office copier, please forward 2 copies. May I have your response within one month of the date of this letter.

Indian and Northern Affairs Canada / Affaires indiennes et du Nord Canada

48

Your file / Votre référence
309871

Our file / Notre référence
E4380-6-D40(MRT)

February 12, 1987.

Province of British Columbia
Ministry of Environment and Parks
Water Management Branch, Parliament Buildings
Victoria, B.C.
V8V 1X5

Attention: Mr. J. E. Farrell
Deputy Comptroller of Water Rights

Dear Sir,

RE: APPEAL FROM THE DECISION OF THE REGIONAL WATER MANAGER TO REFUSE APPLICATION FOR WATER LICENCE ON EDWARDS LAKE

With reference to your letter dated January 12, 1987 concerning the above we have confirmed with Councillor Dan Gravelle of the Tobacco Plains Indian Band that it is not the Band's intention to proceed with their irrigation project at this time and the water licence is therefore not required right now. The Band does intend to reapply at a future date when their development plans have been finalized and wishes to be advised should any other application be submitted for a water licence on Edwards Lake.

Yours truly,

Peter D. Keltie
Superintendent,
Lands, Revenues & Trusts
Central District
210 - 757 West Hastings Street
Vancouver, B.C. V6C 3E3

CC: MR. GRANT SCOTT
REGIONAL FORESTER
BRITISH COLUMBIA REGION

RECEIVED
FEB 16 1987
DEPUTY COMPTROLLER OF WATER RIGHTS

Canada

3 pc

020172

PROVINCIAL GOVERNMENT AGENT RECEIVED MAR 24 1972 CRANBROOK, B.C.

Application for a Water Licence

WATER ACT

(Section 8)

I, Director, Department of Indian Affairs and Northern Development
(Full name or names, if land owned jointly.)

of Ottawa, Ontario
(Address.)

hereby apply to the Comptroller of Water Rights for a licence to {divert and use / store} water out of

Schorf Creek which flows west
(Name of creek, lake, or spring.) (Direction of flow.)

and discharges into underground and give notice of my application
to all persons affected.

The point of diversion / ~~The storage dam~~ will be located at approx. 2000 ft. east of junction of Highway 93 and eastern boundary of Tobacco Plains Indian Reserve No.2,
(Give distance and direction from some surveyed or known point.)

The quantity of water to be diverted or stored is 250 acre feet
(Cubic feet per second, gallons per day, or acre-feet per annum.)

The purpose for which the water will be used is irrigation

The land or mine on which the water will be used is for Tobacco Plains Indian Reserve No. 2.

A copy of this application was posted on the seventeenth day of March, 19 72
(Day.) (Month.)

at the proposed point of diversion or site of the dam and on the land or mine where the water is to be used

and two copies will be filed in the office of the Water Recorder at Cranbrook, B.C.

Objections to this application may be filed with the said Water Recorder or with the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C., within thirty days of the serving of a signed copy of the application.

DEPT. OF LANDS FORESTS AND WATER RESOURCES
WATER RTS.
APR 4 1972
MAIL ROOM
VICTORIA, B. C.

Director, Department of Indian Affairs and Northern Development
Applicant.

By District Supervisor
Kootenay-Okanagan District
Department of Indian Affairs & Nor. Devel
Room 3, 3101 - 32nd Avenue
Vernon, B.C.

Irrigation 82 G/SW (B.6)

IMPORTANT:—

Every applicant must do the following:—

(1) *Post the application on the ground*, that is, in conspicuous places at or near the proposed point of diversion, site of the dam (if any), and place of use.

(2) *File two copies with the Water Recorder* in whose district the point of diversion will be, within ten days of the posting on the ground.

(3) Within fifty days of the posting of the application on the ground, serve signed copies on all owners of land or mining property that will be affected physically by the proposed works or by the operation or utilization thereof, and on all licensees or prior applicants whose points of diversion are at or below the applicant's proposed point of diversion.

All copies must be signed and completed by filling in the blanks in the above form; and, in addition, the two copies filed with the Water Recorder must contain a sketch showing the applicant's land, the location of the point of diversion and the dam (if any), and all land touched or crossed by the works, and the additional information indicated on the other side of this form.

It is advisable to file the application with the Water Recorder as soon as possible after posting it on the ground because the date of filing will, in most cases, determine the priority of the licence that may be issued.

#346.

4PC

NOTE.—This sheet need only be completed on the two copies of the application filed with the Water Recorder.

To the Comptroller of Water Rights:

In support of my application for a water licence I submit the following information:—

(1) My title to the place of use is Indian Reserve
(Whether registered owner, agreement holder, pre-emptor, etc.)

(2) The proposed works will be ditch and flume
(Give general description—pump, pipe, ditch, etc.)

(3) The dam to be constructed will be a — (Type.) dam, and will be — feet in height, and — feet in length.

(4) The maximum area of the reservoir will be — acres.

(5) The depth of storage at the dam, from bottom of sluice-pipe to crest of the spillway, will be — feet.

(6) The head of water to be used will be — feet.
(For power and hydraulic mining only.)

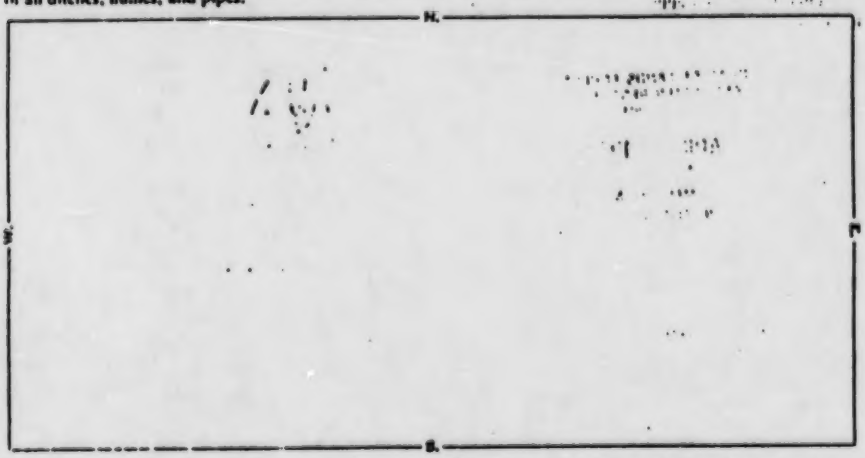
(7) The area of land to be irrigated will be 100 acres.

(8) (a) The works will be entirely on my own property, or

(b) The works will affect physically the property of the following owners:—

Name of Owner, including the Crown	Legal Description of Land	Area Required for Works	
		Length	Breadth
P. Salmon R.	D.L. 7012	2600 ft.	15 ft.
B.C. Department of Highways	Hwy 93	100 ft.	10 ft.

Sketch, showing applicant's land and all other land touched by the works or flooded, also the location of the point of diversion and other works, including buildings to be served with water, if applicable, and the lengths of all ditches, flumes, and pipes.



Director, Department of Indian Affairs and Northern Development
Applicant.

D. O. Powell
for District Supervisor
Kootenay-Okanagan District
Agent.

Department of Indian Affairs & Northern Develop.
Room 3, 3101 - 32nd Avenue
Vernon, B.C.

15 pc

MINISTRY OF THE ENVIRONMENT
MAR 1 5 1979
MAIL ROOM
VICTORIA, B.C.

Engineer's Report on a Water Application

Water District FERNIE Victoria File 0309872

Our File TOBACCO PLAINS

Applicant Indian Agency - Tobacco Plains Band

Address Box 21, Grasmere, B.C., V0B 1R0.

Source Scherf Creek Trib. to Sinks

Priority March 24, 1972 Est. flow ---

Appurtenant land I.R. # 2 Tobacco Plains, Kootenay District.

Works are being/not constructed.

I recommend that the application be granted/or NOT GRANTED.

Purpose	Quantity	Diversion	Acres	Period of Use

PM 15-3-79

A. ADMINISTRATIVE REPORT

I recommend that this application be refused on the basis that Scherf Creek is fully recorded by existing licences.

B. TECHNICAL REPORT

1. The source is Scherf Creek. This creek sinks shortly after reaching the valley bottom.

2. Summary of Licenced Demand on Scherf Creek:

Licence or Application	Domestic g.p.d.	Irrigation ac.ft.	Equivalent 90 Day Irr. Period
C.L. 28589	1,500	375	2.11
Appln. 0309872 (recommended for refusal)			
TOTAL	1,500	375	2.11

3. Summary of Flow Records on Scherf Creek:

Flow	Date	Location	Remarks
3.5 c.f.s.	Sept. 2,1912	Above Diversions	
4.7 c.f.s.	Aug. 1,1925	Above Diversions	
2.2 c.f.s.	Sept. 13,1925	Above Diversions	
2.8 c.f.s.	Aug. 26,1926	Above Diversions	
1.5 c.f.s.	Sept. 11,1963	Above Diversions	-Rough measurement
1.4 c.f.s.	Sept. 12,1978	At P.O.D. 'C'	-No diversions above -Includes estimated seepage losses-after heavy rain.

Inspected by on the ground with Dan Gravelle, Band Chief. (Signed) T. H. OXLAND, Regional Water Engineer

Date October 27, 1972 - L.R.L.
November 1974 - J.H.D.

By September 12, 1978 - R. J. PETERS. Date March 9, 1979.

W.R.B. 14-a

Flow records indicate that the supply in Scherf Creek exceeds the demand during only approx. 50% of the years of record.
Scherf Creek is fully recorded for any major use by existing licencing.

18PC

3rd April, 1970.

Our file 0309872

Indian and Northern Affairs,
Tobacco Plains Band,
P. O. Box 10001,
Pacific Centre Ltd.,
700 W. Georgia, Vancouver, B. C.
V7Y 1C1

Dear Sirs:

Water Licence Application - Scharf Creek

Investigation has shown that Scharf Creek is fully recorded under existing licences and there is insufficient water in the source to enable us to grant a new licence.

In view of the foregoing, your application is hereby refused.

Yours truly,

R. D. DeBeck,
Comptroller of Water Rights.

RT/bt

ATTACHMENT 4

PROVINCE OF BRITISH COLUMBIA. **WATER RIGHTS BRANCH.** DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

(Domestic, Mining, Miscellaneous, etc.)

WHEREAS the Dominion of Canada Department of Customs, whose post-office address is Fernie, B. C., as owner or lawful occupant of the land, mine, or undertaking hereinafter specified has applied for a licence to take and use water in the manner hereinafter set out, and has taken all the preliminary steps required of such applicant under the "Water Act, 1914," prior to the issue of this licence, and is, under the said Act, entitled thereto:

Now, therefore, in pursuance of the said Act, this conditional licence is issued, granting the licencee thereunder the right to take and use water under the following terms and conditions:

Gordon cr / ea. 7312

(a.) The source of the water-supply is a spring situate on Indian Reserve No. 2. a tributary of Phillips Creek

(b.) The point of diversion from the stream is located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which is attached to the counterfoil of this licence on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria.

(c.) The date from which this licence and the right to take and use water thereunder shall take precedence is 5th November, 1915.

(d.) The purpose for which the water is to be used is Domestic.

(e.) The maximum quantity of water which may be used at the place of use is five hundred gallons per day; and the maximum quantity of water which may be diverted from the stream is five hundred gallons per day.

(f.) The period of the year during which the water may be used is the whole year.

(g.) The area and description of the lands or mines upon which the water may be used are part of Indian Reserve No. 2.

which area and description are more particularly shown in the said exhibit "A."

(h.) The works which are required to be constructed consist of all the works set out in the exhibit marked "B" hereto attached, which is incorporated herewith and made a part hereof.

Licence Number

Form 1002. W.R.B. (Conditional Licence—Domestic, Mining, Miscellaneous, etc.).—1,500-12-15.

File No. 33101.

2715

Copy for Comptroller

(i.) The construction of the said works shall be commenced on or before the first

day of May, 191 8, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(j.) The said construction shall be completed and the water beneficially used for the purpose set out in this licence on or before the thirtieth day

of September, 1921 ~~1917~~.

(k.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

(l.) This licence shall be appurtenant to that part of the said Indian Reserve No. 2 on which is situate the Customs Office.

(m.) The nature and the extent of the incidental use (if any) permitted under this licence are

None.

but such use shall not enlarge the quantity of water allowed under item (e) above.

(n.) This licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

(o.) This licence shall not be valid and effective to authorize the construction and maintenance of any works upon, or the use or occupation of any lands belonging to the Crown in the right of Canada unless and until approved by the Superintendent-General of Indian Affairs and shall be subject to such terms and conditions as the Supt.-General may prescribe.

Issued this twenty-second day of October, 191 7.

William Young
Comptroller of Water Rights.

[illegible] Number [illegible]

Form [illegible], W.R.B. (Conditional Licence—Irrigation, Mining, Miscellaneous, etc.)—1,000-12-15

File No. 33101.

PROVINCE OF BRITISH COLUMBIA. WATER RIGHTS BRANCH. DEPARTMENT OF LANDS.

EXHIBIT "B."

(APPROVAL OF PLANS AND LIST OF WORKS TO BE CONSTRUCTED)

The works which are accepted as necessary and suitable for the taking and (or) using of the water under the above-mentioned license, and which are more fully set out in the plans and specifications filed in the office of the Comptroller of Water Rights numbered 33040 C

as altered, amended, or limited by supplemental plans and specifications numbered

or in letters or other documents referred to as

which plans and specifications as thus altered, amended, or limited are hereby approved, are as follows:-

Ditch and pipes.

ENTERED ON
Map No. 2010
By E. P. McKie

William Gorsing
Comptroller of Water Rights.

Form 1205, W.R.B. (Approval of Plans—§§70-76—(Pending Part of Conditional Water License No. ...)

File No. 33101.

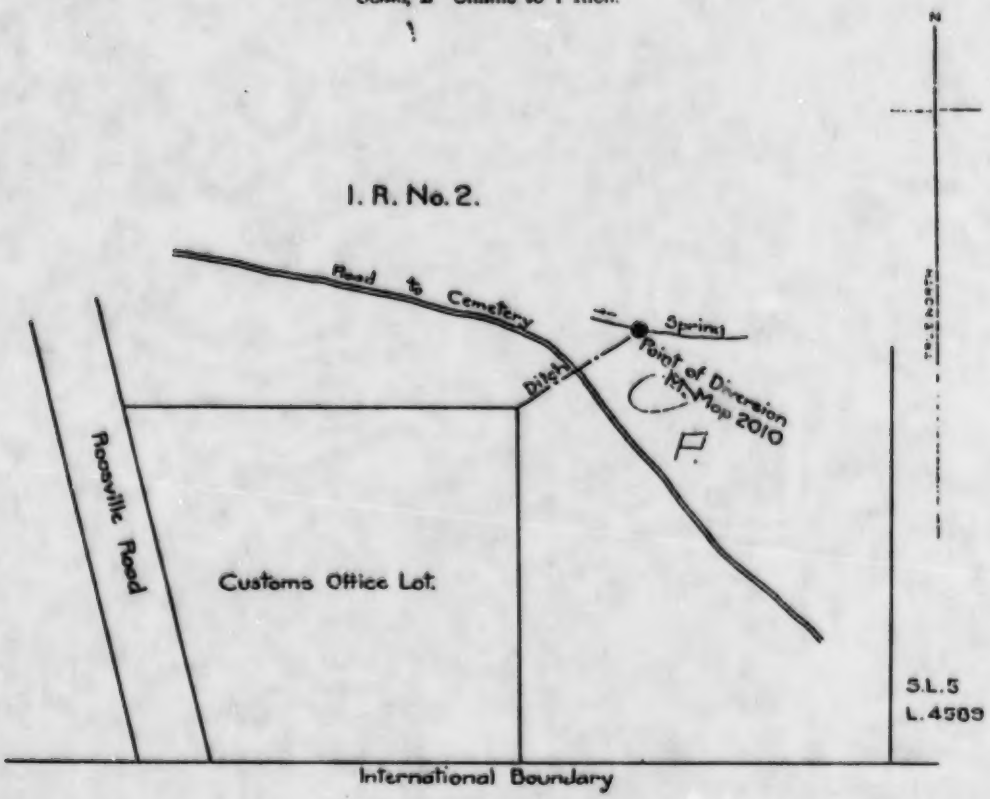
Copy for Comptroller

British Columbia.

To accompany Conditional Licence No 2778 Precinct.

FERNIE WATER DISTRICT.

Scale, 2 Chains to 1 Inch.



Signature William Young

Date 22nd October 1917

EXHIBIT "A"

PROVINCE OF BRITISH COLUMBIA. | WATER RIGHTS BRANCH. | DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

(For a D **Irrigation** Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the water set out in the order No. 989, duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a **conditional** licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this **conditional** licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to Tobacco Plains **Indian Reserve (No.2 Kootenay).**

Made and entered this 25th day of September 1920.

E. A. Cleveland
Comptroller of Water Rights.

No. 7364.

Form 8A. 1000, W.R.B. (Licence in respect of Board Order) —1,000 | 21—'20.

ds. key F 9870

PROVINCE OF BRITISH COLUMBIA. WATER RIGHTS BRANCH. DEPARTMENT OF LANDS.

DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR IRRIGATION PURPOSES)

BY THE BOARD OF INVESTIGATION
UNDER THE "WATER ACT, 1914."

In the Matter of the Claims of the Department of Indian Affairs to Rights to the Use of the Waters of Willie Phillippe Creek, Home Creek and Reserve Creek, in the neighbourhood of Cotonay, in the Fernie Water District.

NOW, on the 26th day of August, 1921, the above entitled matter coming on regularly for final hearing before the Board of Investigation; due notice having been given of the time and place of hearing; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above entitled matter having been duly considered; a quorum of the Board being present at the hearing; and the Board being now fully advised in the premises, determines with respect to the said claims (which are on file and designated as Indian File No.7-21-1) that a valid water record affecting the said claim was made under authority of an Act passed prior to the 12th day of March, 1909, and that under the said water record the Kootenay tribe or band of Indians was granted a right to take and use water from Willie Phillippe Creek, Home Creek and Reserve Creek for irrigation and domestic purposes on the Cohanon Plains Indian Reserve, being Reserve No.2 of the said tribe or band.

7361

Form 888, W.R.B.- 5,000-12-20. Order No. 909.

2. The claims of the Department of Indian affairs with respect to the said waters are allowed by the Board to the extent hereinafter specified, and the Comptroller of Water Rights is hereby directed to issue a conditional licence in respect thereof embodying the following terms and conditions:—

(*a*.) The sources of the water supply are Willie Phillipps Creek, Como Creek and Reserve Creek.

(*b*.) The points of diversion from the said sources are located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C.

(*c*.) The date for which the said licence shall take precedence is 23rd September, 1896.

(*d*.) The purpose for which the water is to be used is irrigation.

(*e*.) The maximum quantity of water per annum which may be used when irrigation is extended to all the lands mentioned in subclause (*g*) of this clause, until lawfully altered, is 2805 acre-feet, and the maximum quantity of water which may be used per annum on each acre actually irrigated until lawfully altered is 3 acre-feet: Provided that where sources of supply other than those named in subclause (*a*) hereof are drawn upon for the irrigation of a part or all of the same lands as are described in subclause (*g*) hereof, the maximum quantity of water which may be used under the licence hereby directed to be issued shall be reduced by the quantity which the licensee may be entitled to use from said other sources of supply: Provided further that when the Engineer of the Water District has accumulated the requisite hydrographic data for determining to the satisfaction of the Comptroller the *pro rata* part of the said total quantity to be apportioned to the licence hereby directed to be issued, the Comptroller shall require the surrender of the licence, and shall amend the same by stating the particular quantity to which the licensee is entitled from the particular sources named therein.

(*f*.) The period of the year during which the water may be used is between the first day of April and the thirtieth day of September.

(*g*.) The water may be used on the northerly portion of Tobacco Plains Indian Reserve (No.2 Kootenay) of which 935 acres are said to be irrigable. The extent and location of the said irrigable lands are more particularly shown in the said Exhibit "A."

(*h*.) The works which are required to be constructed before the issue of a final licence are the clearing, stumping, and levelling of the irrigable lands on the said reserve and the additional works required for conducting thereto the maximum quantity of water hereby authorized to be diverted.

(*i*.) The execution of the said works shall be commenced or resumed on or before the first day of June, 1924, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(*j*.) The said works shall be completed and the quantity of water to which the licensee is entitled beneficially used for the purpose set out in the licence on or before the first day of November, 1930. 7361

(*k*.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

Board Order No. 949.

(*l.*) The nature and the extent of the incidental uses permitted under the licence are: For domestic purposes, the use of 10,000 gallons a day of water from any or all the said sources of supply during the whole of the year; and for storage purpose, such quantity of water (not exceeding ---------- acre-feet) as, together with the natural flow-water used hereunder, will be necessary to secure to the licensee the quantity granted hereunder. The water which may be so stored shall be that of ---------- and it may be stored (accumulated) in a reservoir at ----------

---------- between the first day of October in each year and the first day of June in the succeeding year, and may be used as provided for in subclauses (*d*), (*e*), and (*f*) of this clause, but such uses shall not enlarge the quantity of water allowed by subclause (*e*) hereof.

(*m.*) The Board may extend the time for the commencement, resumption, or completion of the execution of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.

(*n.*) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 25th day of October, 1922.

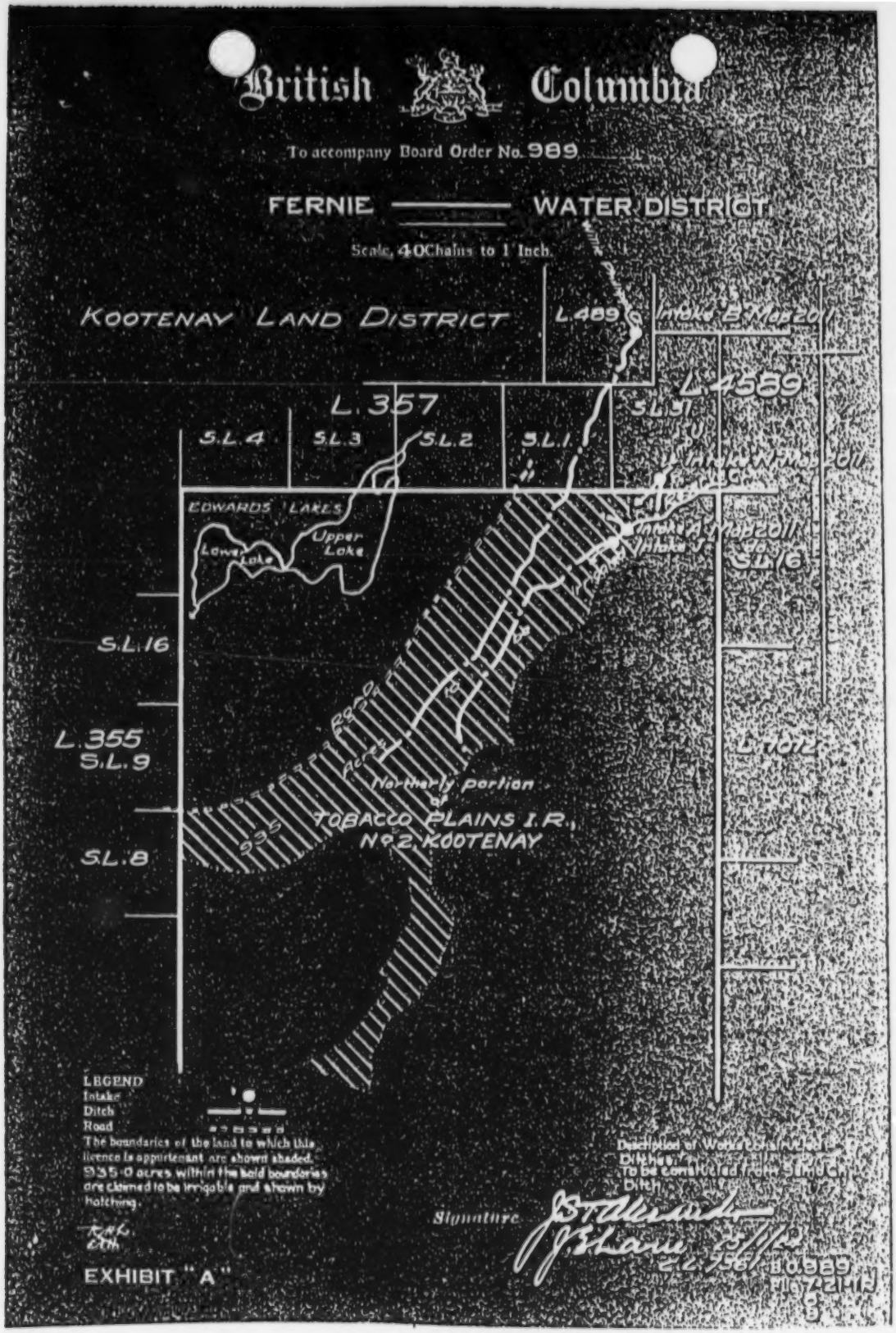
THE BOARD OF INVESTIGATION.

By "J.F.T.Alexander" ..... Member.

and "J.K.Lane" ..... Member.

Form 287. W.S.P. -2,000-12-20.

Order No. 909.


British Columbia
To accompany Board Order No. 989
FERNIE WATER DISTRICT
Scale, 40 Chains to 1 Inch.
KOOTENAY LAND DISTRICT
L.489
Intake
L.4589
L.357
S.L.4
S.L.3
S.L.2
S.L.1
EDWARDS LAKES
Upper Lake
Lower Lake
S.L.16
L.355
S.L.9
S.L.8
Northerly portion of TOBACCO PLAINS I.R. No.2, KOOTENAY
935
S.L.6
L.1012
LEGEND
Intake
Ditch
Road
The boundaries of the land to which this licence is appurtenant are shown shaded. 935.0 acres within the said boundaries are claimed to be irrigable and shown by hatching.
Description of Works
Ditch to be Constructed
Ditch
Signature
EXHIBIT "A"

PROVINCE OF BRITISH COLUMBIA. | WATER RIGHTS BRANCH. | DEPARTMENT OF LANDS.

CONDITIONAL WATER LICENCE.

(For a Irrigation Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the water set out in the order No. 1004, duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to Tobacco Plains Indian Reserve (No.2 Kootenay).

Superseded by 11385
Final Licence

Made and entered this 25th day of January, 192[illegible]

[illegible]
Comptroller of Water Rights.

No. 73652

Form No. 1006, W.R.B. (Licence in respect of Board Order)—1,500 1-22—581.

PROVINCE OF BRITISH COLUMBIA. WATER RIGHTS BRANCH. DEPARTMENT OF LANDS.

DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR IRRIGATION PURPOSES)

BY THE BOARD OF INVESTIGATION
UNDER THE "WATER ACT, 1914."

In the Matter of the Claims of the Department of Indian Affairs to Rights to the Use of the Waters of Phillips and Gordon Creeks, tributaries of Kootenay River, in the neighbourhood of Gateway, in the Fernie Water District.

NOW, on the 26th day of August, 1921, the above-entitled matter coming on regularly for final hearing before the Board of Investigation; due notice having been given of the time and place of hearing; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above entitled matter having been duly considered; a quorum of the Board being present at the hearing; and the Board being now fully advised in the premises, determines with respect to the said claims which are on file and designated as Indian File No. 10 and 11-21-1) that valid water records affecting the said claims were made under authority of an Act passed prior to the 12th day of March, 1909, and that under the said water records the Kootenay tribe or band of Indians was granted a right to take and use water from Phillipps and Gordon Creeks, tributaries of Kootenay River, for irrigation and domestic purposes on the Tobacco Plains Indian Reserve, being Reserve No.2 of the said tribe or band.

7362

Form 348, W.R.B. 2,000-12'20. Order No. 1004.

Copy

5. The claims of the Department of Indian Affairs with respect to the said waters are allowed by the Board to the extent hereinafter specified, and the Comptroller of Water Rights is hereby directed to issue a conditional licence in respect thereof embodying the following terms and conditions:—

(a.) The sources of the water supply are Phillipps and Gerden Creeks, tributaries of Kootenay River.

(b.) The points of diversion from the said sources are located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C.

(c.) The date from which the said licence shall take precedence is 9th October, 1900.

(d.) The purpose for which the water is to be used is irrigation.

(e.) The maximum quantity of water per annum which may be used when irrigation is extended to all the lands mentioned in subclause (g) of this clause, until lawfully altered, is 159 acre-feet, and the maximum quantity of water which may be used per annum on each acre actually irrigated until lawfully altered is three (3) acre-feet: Provided that where sources of supply other than those named in subclause (a) hereof are drawn upon for the irrigation of a part or all of the same lands as are described in subclause (g) hereof, the maximum quantity of water which may be used under the licence hereby directed to be issued shall be reduced by the quantity which the licensee may be entitled to use from said other sources of supply: Provided further that when the Engineer of the Water District has accumulated the requisite hydrographic data for determining to the satisfaction of the Comptroller the *pro rata* part of the said total quantity to be apportioned to the licence hereby directed to be issued, the Comptroller shall require the surrender of the licence, and shall amend the same by stating the particular quantity to which the licensee is entitled from the particular sources named therein.

(f.) The period of the year during which the water may be used is between the first day of April and the thirtieth day of September.

(g.) The water may be used on the southerly portion of Tobacco Plains Indian Reserve (No.2 Kootenay) of which 53 acres are said to be irrigable. The extent and location of the said irrigable lands are more particularly shown in the said Exhibit "A."

(h.) The works which are required to be constructed before the issue of a final licence are the clearing, stumping, and levelling of the irrigable lands on the said reserve and the additional works required for conducting thereto the maximum quantity of water hereby authorized to be diverted.

(i.) The execution of the said works shall be commenced or resumed on or before the first day of June, 1924, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(j.) The said works shall be completed and the quantity of water to which the licensee is entitled beneficially used for the purposes set out in the licence on or before the first day of November, 1930. (9362)

(k.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approval by him.

Board Order No.1004.

(k) The nature and the extent of the incidental uses permitted under the licence are: For domestic purposes, the use of 1,000 gallons a day of water from any or all the said sources of supply during the whole of the year; and for storage purposes, such quantity of water (not exceeding ~~~~~ acre-feet) as, together with the natural flow-water used hereunder, will be necessary to secure to the licensee the quantity granted hereunder. The water which may be so stored shall be that of ~~~~~ and it may be stored (accumulated) in a reservoir at ~~~~~ between the first day of October in each year and the first day of June in the succeeding year, and may be used as provided for in subclauses (d), (e), and (f) of this clause, but such uses shall not enlarge the quantity of water allowed by subclause (c) hereof.

(m.) The Board may extend the time for the commencement, resumption, or completion of the execution of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.

(n.) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

.....

.....

.....

.....

.....

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 25th day of Dec. ..., 192

THE BOARD OF INVESTIGATION.

By "J.B.T.Alexander" ..... Member.

and "J. E. Lane" ..... Member.

1916

Form 561, W.S.R. -2000-1-20

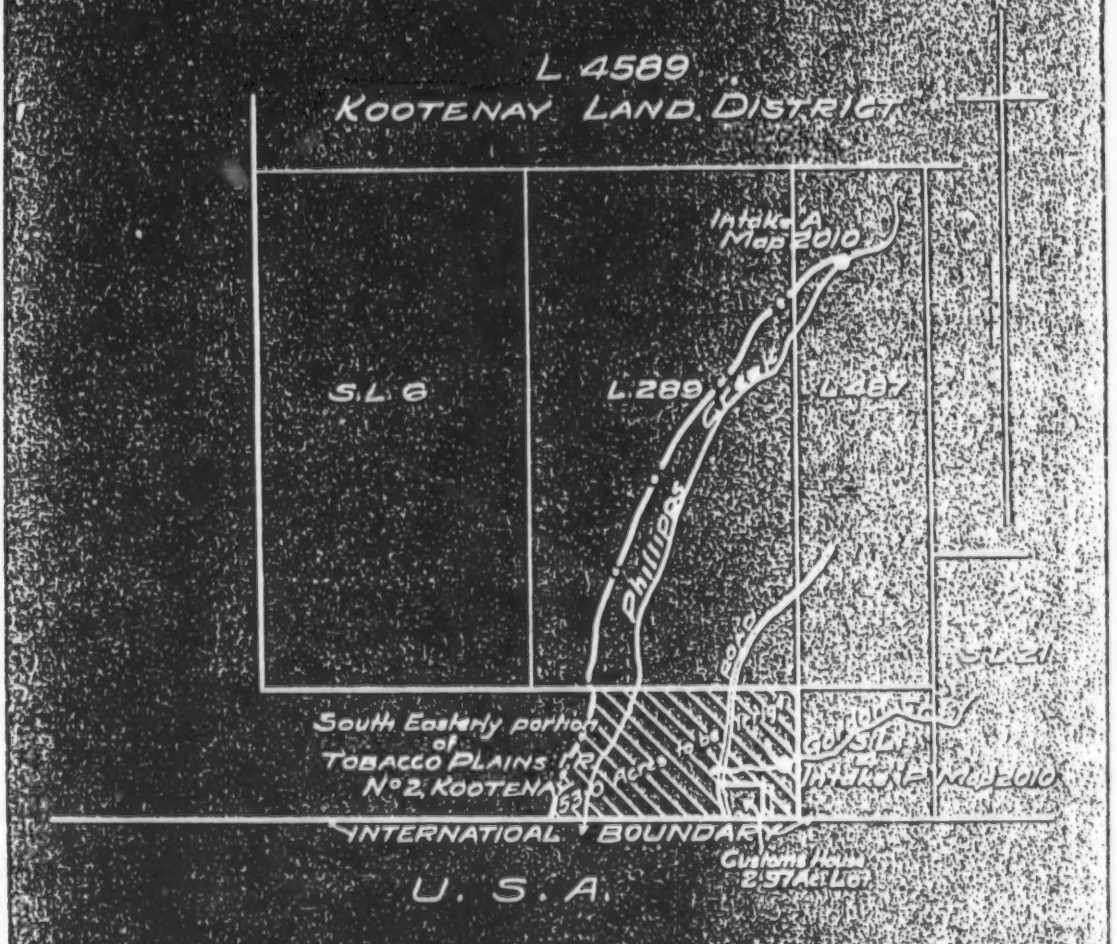
1004.

British Columbia

To accompany Board Order No. 1004

FERNIE WATER DISTRICT

Scale, 20 Chains to 1 Inch.



LEGEND
Intake
Ditch
Road

The boundaries of the land to which this licence is appurtenant are shown shaded. 53'0 acres within the said boundaries are claimed to be irrigable, and shown by hatching.

Description of Works Constructed
Ditch

Signature

EXHIBIT "A"

File No. 10-21-1.

PROVINCE OF BRITISH COLUMBIA — WATER RIGHTS BRANCH — DEPARTMENT OF LANDS

APPROVAL OF AMENDMENT OF PLANS

(Conditional Water Licence No.7362)

The plans and specifications of works to be constructed under the above-mentioned licence heretofore approved by the Comptroller of Water Rights are amended by supplemental plans and specifications, numbered

1253442 C

or in letters or other documents referred to as

1253442 B

which supplemental plans and specifications are hereby approved.

The works to be constructed are as follows:

ditch and flume

Comptroller of Water Rights.

Dated this 17th day of November, 1937.

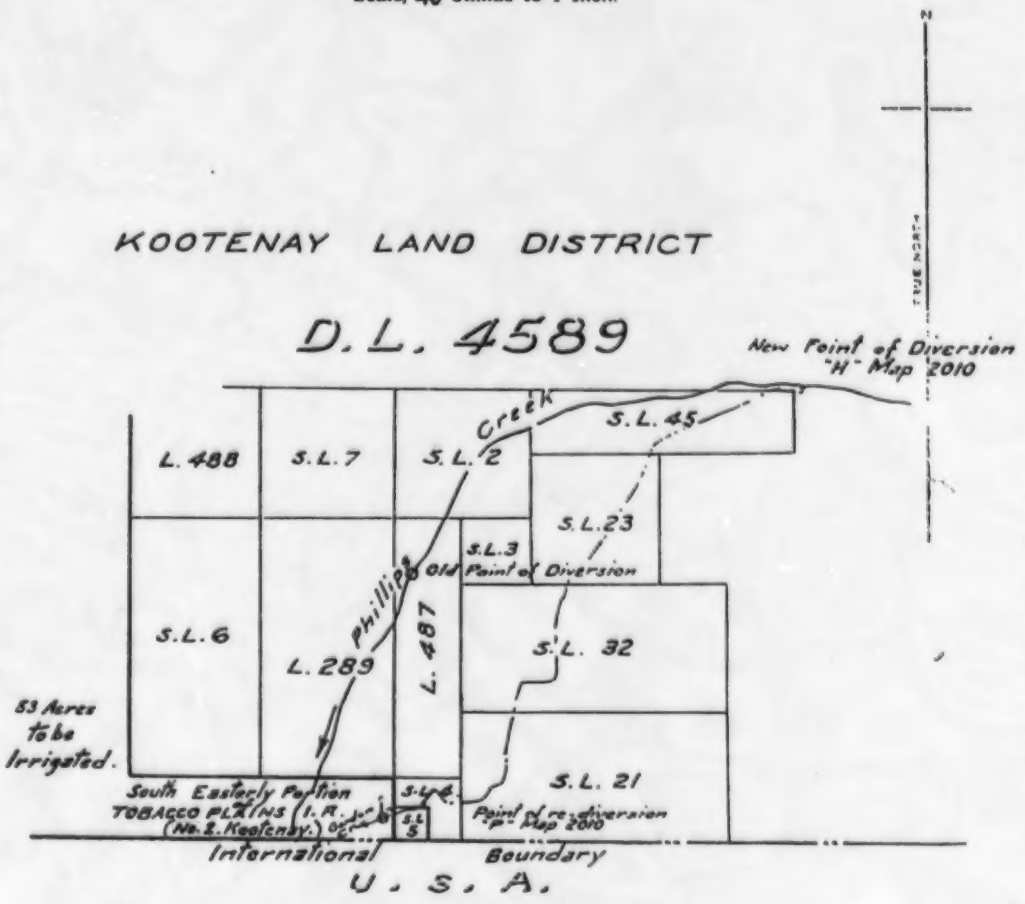
7362

British Columbia.

To accompany *Approval of Amendment of Plans under Cl. 7362.*

FERNIE WATER DISTRICT.

Scale, 40 Chains to 1 Inch.



Signature J. Macdonald

Date 17th Nov. 1937

EXHIBIT "A"

C. L. 7362
File 10. 21. 1.

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

Director of Indian Affairs of Ottawa, Ontario,

is/are hereby authorized to divert and use water as follows:—

(*a*) The source(s) of the water-supply is/are Village Creek.

(*b*) The point(s) of diversion is/are located as shown on the attached plan.

(*c*) The date from which this licence shall have precedence is 31st July, 1963.

(*d*) The purpose for which the water is to be used is domestic.

(*e*) The maximum quantity of water which may be diverted is 2000 gallons a day,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(*f*) The period of the year during which the water may be used is the whole year.

(*g*) The land upon which the water is to be used and to which this licence is appurtenant is
Tobacco Plains Indian Reserve No.2, Kootenay District.

(*h*) The works authorized to be constructed are concrete dam (5 feet in height by 5 feet in length) concrete collection tank, pipe and storage tank,

and they shall be located approximately as shown on the attached plan.

(*i*) The construction of the said works shall be commenced on or before the 30th day of June, 1964, and shall be completed and the water beneficially used on or before the 31st day of December, 1965.

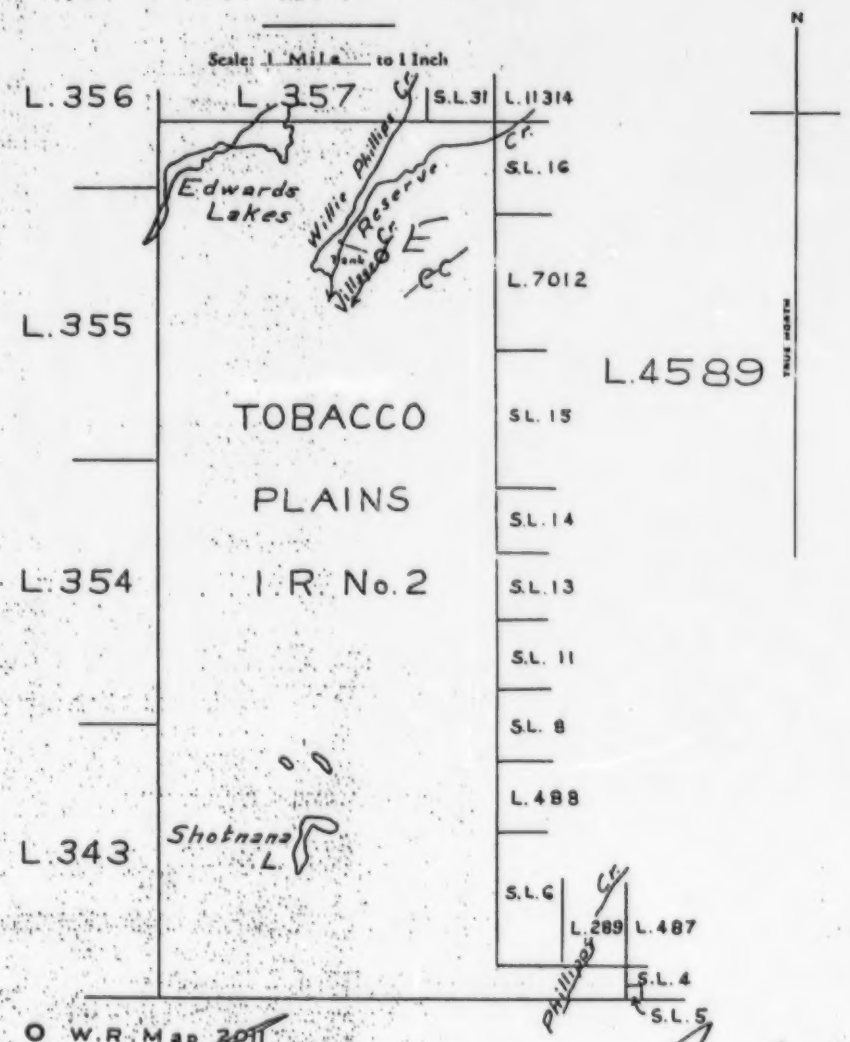
2010
R.M.

A. [illegible] Paget,
Comptroller of Water Rights.

FILE No. 0251129 Date issued: 2 January, 1964 CONDITIONAL LICENCE No. 28552

British Columbia

FERNIE WATER DISTRICT
KOOTENAY LAND DISTRICT



LEGEND

Point of Diversion O W.R. Map 2011

Pipe — - — - 82 G 006

The boundaries of the land to which this licence is appurtenant are shown thus: _____

Signature _____

Date 2 JAN 1964

EXHIBIT "A"

C.L. 28552
File 0251129

1

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS,
AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

Superintendent General of Indian Affairs (Kootenay-Okanagan Agency) of Ottawa, Ontario

is/are hereby authorized to divert and use water as follows:—

(a) The source(s) of the water-supply is/are Johnson Spring.

(b) The point(s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 29th July, 1966.

(d) The purpose for which the water is to be used is domestic.

(e) The maximum quantity of water which may be diverted is 2,000 gallons a day,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is part of Indian Reserve No.2, Tobacco Plains, Kootenay District, lying east of Elko-Roosville Highway (DF 24452), except Plan B.C.269, deposited in Department of Indian Affairs, Ottawa.

(h) The works authorized to be constructed are diversion structure, tank and pipe,

and they shall be located approximately as shown on the attached plan.

(i) The construction of the said works has been completed and the water shall be beneficially used on or before the 31st day of December, 1971.

ENTERED ON
Map No. 82E/1
By L.R.S.

H. D. DeBeck,
Comptroller of Water Rights.

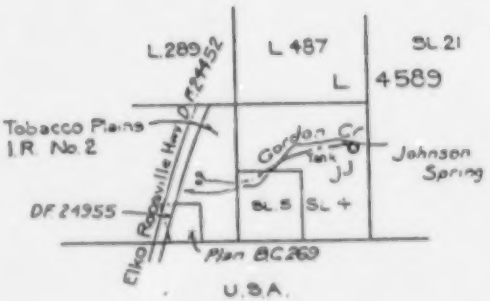
File No. 0270277 Date issued: 1st December, 1969 Conditional Licence No. 34927

British Columbia

FERNIE WATER DISTRICT

KOOTENAY DISTRICT

Scale: 20 Chains to 1 Inch.



LEGEND

Point of Diversion ●
W.R. Map 2010
Pipe ——·——

The boundaries of the land to which this licence is appurtenant are shown thus: ——·——·——

Signature

Date 1st Dec, 1969

C.L. 34927
File 0270277

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

The Honourable the Minister of National Revenue of Ottawa, Ontario

is/are hereby authorized to divert and use water as follows:—

(*a*) The source(s) of the water-supply is/are Johnson Spring.

(*b*) The point(s) of diversion is/are located as shown on the attached plan.

(*c*) The date from which this licence shall have precedence is 29th July, 1966.

(*d*) The purpose for which the water is to be used is domestic.

(*e*) The maximum quantity of water which may be diverted is 3,000 gallons a day,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(*f*) The period of the year during which the water may be used is the whole year.

(*g*) The land upon which the water is to be used and to which this licence is appurtenant is that part of Indian Reserve No.2, Tobacco Plains, Kootenay District, shown on Plan B.C.269, deposited in Department of Indian Affairs, Ottawa, except Plan D.F.24955.

(*h*) The works authorized to be constructed are diversion structure, tank and pipe,

and they shall be located approximately as shown on the attached plan.

(*i*) The construction of the said works has been completed and the water shall be beneficially used on or before the 31st day of December, 1971.

ENTERED ON
Map No. 2
By A.

H. D. Belleck,
Comptroller of Water Rights.

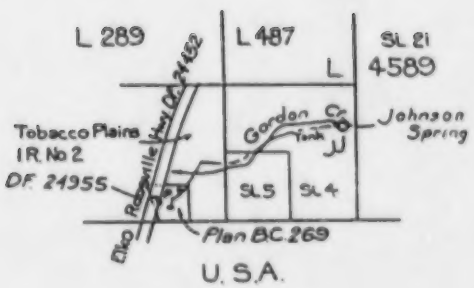
File No. 0285300 Date issued: 2 February 1970 Conditional Licence No. 35216

British Columbia

FERNIE WATER DISTRICT

KOOTENAY DISTRICT

Scale: 20 Chains to 1 Inch



LEGEND

Point of Diversion ●
W.R. Map 2010
Pipe ——·——

The boundaries of the land to which this licence is appurtenant are shown thus: ——————

Signature

Date Feb. 2nd 1970

C.L. 35216
File 0285300

WATER MANAGEMENT BRANCH

MINISTRY OF ENVIRONMENT

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

Tobacco Plains Indian Band of Box 21, Grasmere, B. C. V0B 1R0

is hereby authorized to divert and use water as follows:

(a) The source of the water supply is Reserve Creek.

(b) The point of diversion is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 23rd September, 1896.

(d) The purposes for which this licence is issued are irrigation and waterworks.

(e) The maximum quantity of water which may be diverted for irrigation purpose is 67.86 acre feet per annum and for waterworks purpose is 21,000 gallons a day.

(f) The period of the year during which the water may be used for irrigation purpose is 1st April to 30th September and for waterworks purpose is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Indian Reserve #2, Tobacco Plains, Kootenay District, of which 30.16 acres may be irrigated.

(h) The works authorized to be constructed are diversion structure, reservoir, pump, pipe, sprinkler system and distribution system, which shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be completed and the water beneficially used on or before the 31st of December, 1988.

(j) This licence is issued in substitution of Final Water Licence 9090, in part, under Section 15 of the Water Act.

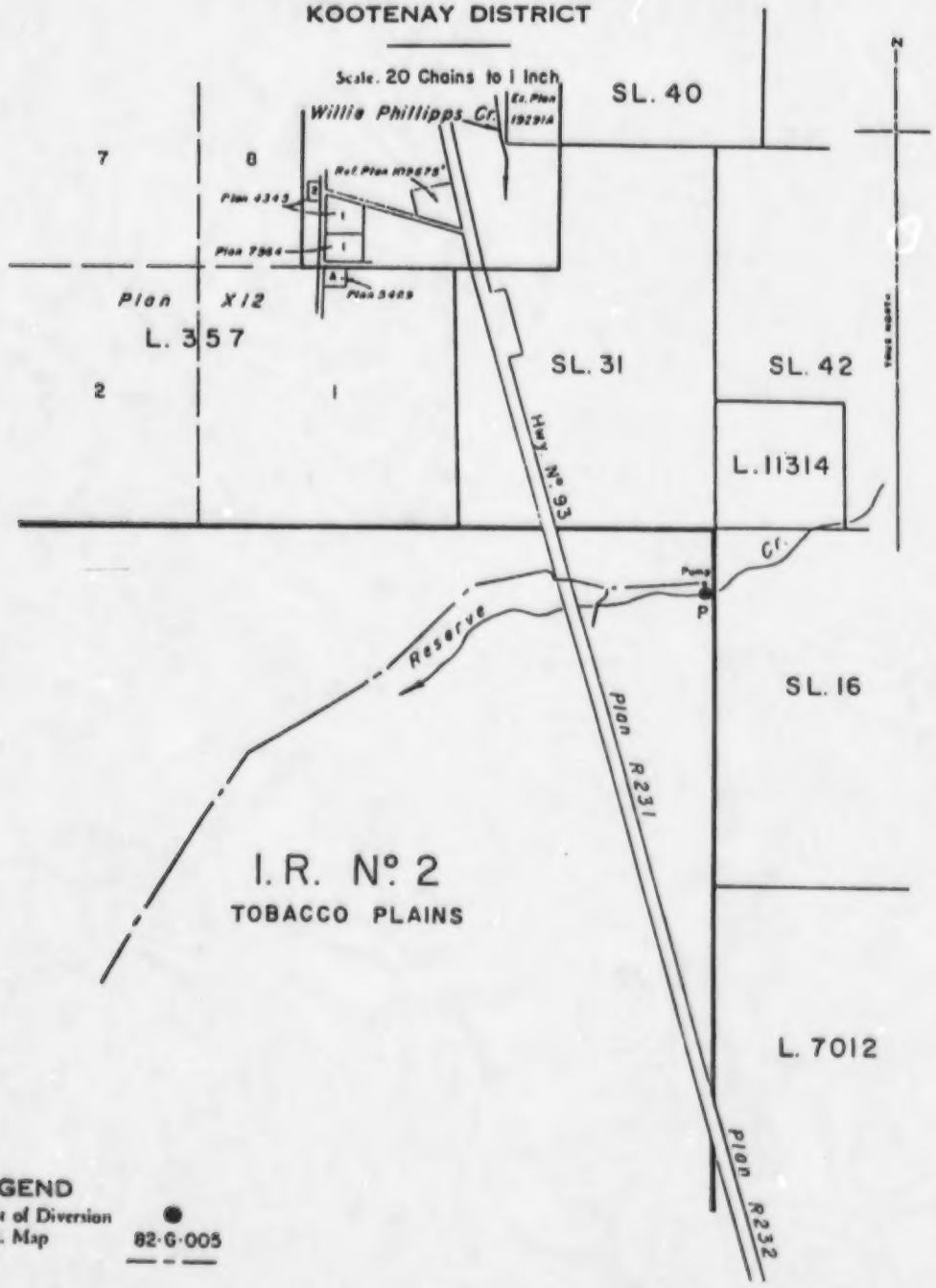
D. E. Farrell
Deputy Comptroller of Water Rights

File No. 0370651 Date Issued: November 22, 1985 Conditional Licence 63480

British Columbia

FERNIE WATER DISTRICT

KOOTENAY DISTRICT



LEGEND

Point of Diversion ●
W.R. Map 82·G·005
Pipe — — —

The boundaries of the land to which this license is appurtenant are shown thus: ————

Signature [illegible]

Date [illegible]

C.L.63480 for F.L. 9090 in pl.
File 0370651

Tobacco Plains Precinct

PROVINCE OF BRITISH COLUMBIA. | WATER RIGHTS BRANCH. | DEPARTMENT OF LANDS.

FINAL WATER LICENCE.

(DOMESTIC, MINING, MISCELLANEOUS, ETC.)

WHEREAS DOMINION OF CANADA DEPARTMENT OF CUSTOMS, whose address is Fernie, B.C.

is the owner of the land, mine, or undertaking to which Conditional Licence No. 2778 was made appurtenant, and is the applicant for this licence; and

Whereas satisfactory proof has been duly filed and it has been shown to the satisfaction of the Comptroller that the terms of the said conditional licence have been complied with satisfactorily, and particularly that the works for the diversion and carriage of the water under the said licence have been completed and that beneficial use of the water has been made thereunder:

Now, therefore, in pursuance of the "Water Act, 1914," this final licence is issued, granting the licensee thereunder the right to take and use water under the following terms and conditions:—

(a.) The source of the water-supply is Gordon Creek, the location of which a tributary of is shown on Exhibit marked "A" hereto attached.

(b.) The point of diversion from the stream is located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is attached to the counterfoil of this licence on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria.

(c.) The date from which this licence and the right to take and use water thereunder shall take precedence is 5th November, 1915.

(d.) The purpose for which the water is to be used is Domestic.

(e.) The maximum quantity of water which may be used at the place of use is 500 gallons a day; and the maximum quantity of water which may be diverted from the stream is 500 gallons a day.

(f.) The period of the year during which the water may be used is the whole year.

(g.) The area and description of the lands or mines upon which the water may be used is/are that part of Tobacco Plains Indian Reserve (No. 2, Kootenay) on which is situated the Customs Office and appendages thereto.

which area and description are more particularly shown in the said exhibit "A."

File No. 33101.

Licence Number 1968

Form 1021, W.R.B. (Final Licence—Domestic, etc.)—1M-426-813

ABANDONED MAR · 5 1941

TWISPAY.

(k.) The works for the diversion and the carriage of the water consist of pipe.

(l.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

(j.) This licence shall be appurtenant to that part of Tobacco Plains Indian Reserve (No. 2, Kootenay) on which is situated the Customs Office and appendages thereto.

(k.) The nature and extent of the incidental use (if any) permitted under this licence are None.

but such use shall not enlarge the quantity of water allowed under item (e) above.

(l.) The terms and conditions of this licence shall replace those of the conditional licence hereinbefore referred to.

(m.) This licence shall not be valid and effective to authorize the construction and maintenance of any works upon, or the use or occupation of any lands belonging to the Crown in the right of Canada unless and until approved by the Superintendent-General of Indian Affairs and shall be subject to such terms and conditions as the Superintendent-General may prescribe.

Issued this 14th day of December, 19 25.
File No. 33101.

E. H. Cleveland
Comptroller of Water Rights.

2010
5460

4

Licence Number 4968

Form 1021, W.R.R. (Final Licence—Domestic, etc.)—1M-120-073

ORIGINAL

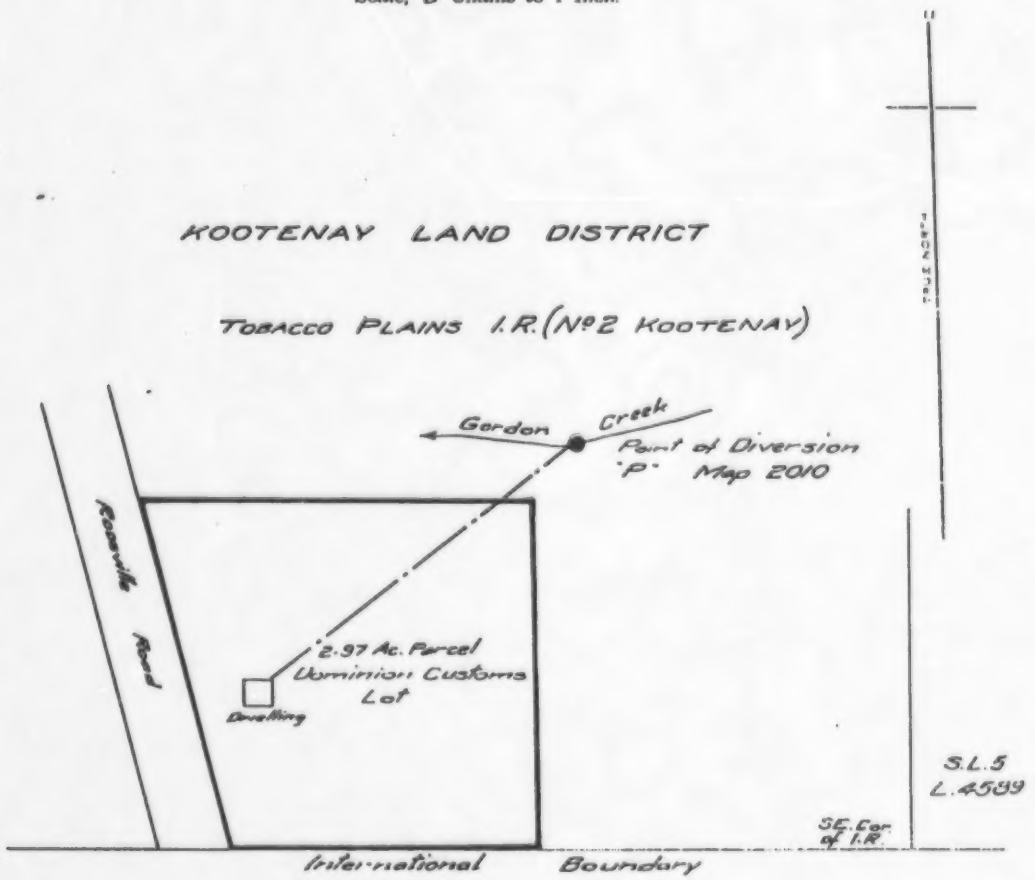
8/

British Columbia.

To accompany Final Licence No. 4968 Precinct.

FERNIE WATER DISTRICT.

Scale, 2 Chains to 1 Inch.



Signature E. H. Cleveland

Date 14 Dec. 1925

F.L. 4968 for C.L. 2779
File 33101

EXHIBIT "A"

PROVINCE OF BRITISH COLUMBIA. | WATER RIGHTS BRANCH. | DEPARTMENT OF LANDS.

FINAL WATER LICENCE.

The Superintendent-General of Indian Affairs of Ottawa, Canada, is hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is/are Willie Phillipps and Reserve creeks.

a tributary of .....

(b.) The point of diversion from the stream is/are located as shown in the Exhibit marked "A" hereto attached.

(c.) The date from which this licence shall have precedence is 23rd September, 1896.

(d.) The purpose for which the water is to be used is Irrigation and domestic.

.....

(e.) The maximum quantity of water which may be diverted from the stream is/are 144 ac.ft. per annum from Willie Phillips creek & 96 ac.ft. per annum from Reserve creek of these quantities 10,000 gallons a day may be

(f.) The period of the year during which the water may be used is (used for domestic use. for Irrigation is 1st April to 30th September and for Domestic use throughout the year.

(g.) The land upon which the water may be used is 107 acres of Tobacco Plains Indian Reserve (Kootenay No. 2),

.....as shown in the said Exhibit "A."

(h.) The works for the diversion and the carriage of the water consist of flume and ditches.

.....

(i.) This licence is issued in substitution of Conditional Water Licence No. 7361.

Issued this 15th day of January, 193 5.

AMENDED 15 JUNE/82

Comptroller of Water Rights.

SUPERCEDED BY LICENCE NO. F43.174.5

File No. 7-21-1.

Licence No. 90990

W.R.B. 2—1M-634-7094

Province of
British Columbia

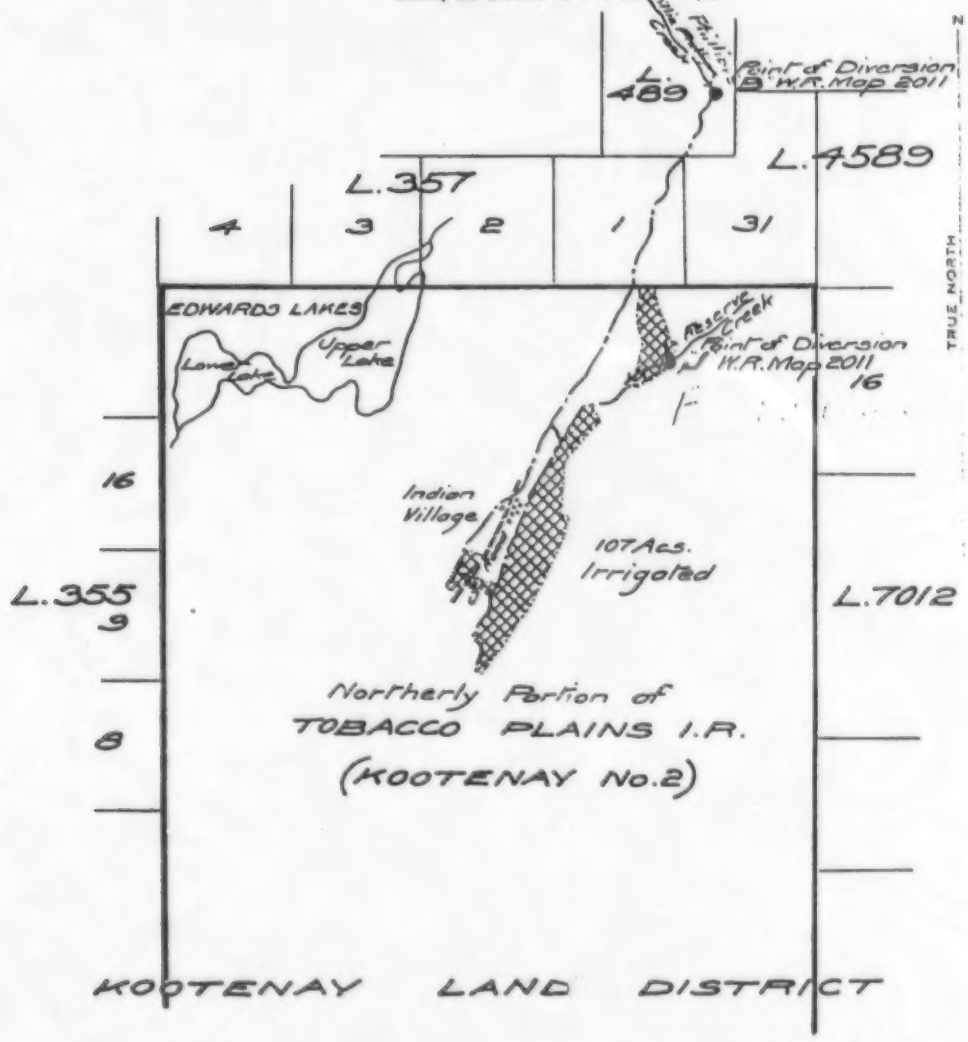
Ministry of
Environment

British Columbia.

To accompany Final Licence No. 9090

FERNIE —— WATER DISTRICT.

Scale, 40 Chains to 1 Inch.



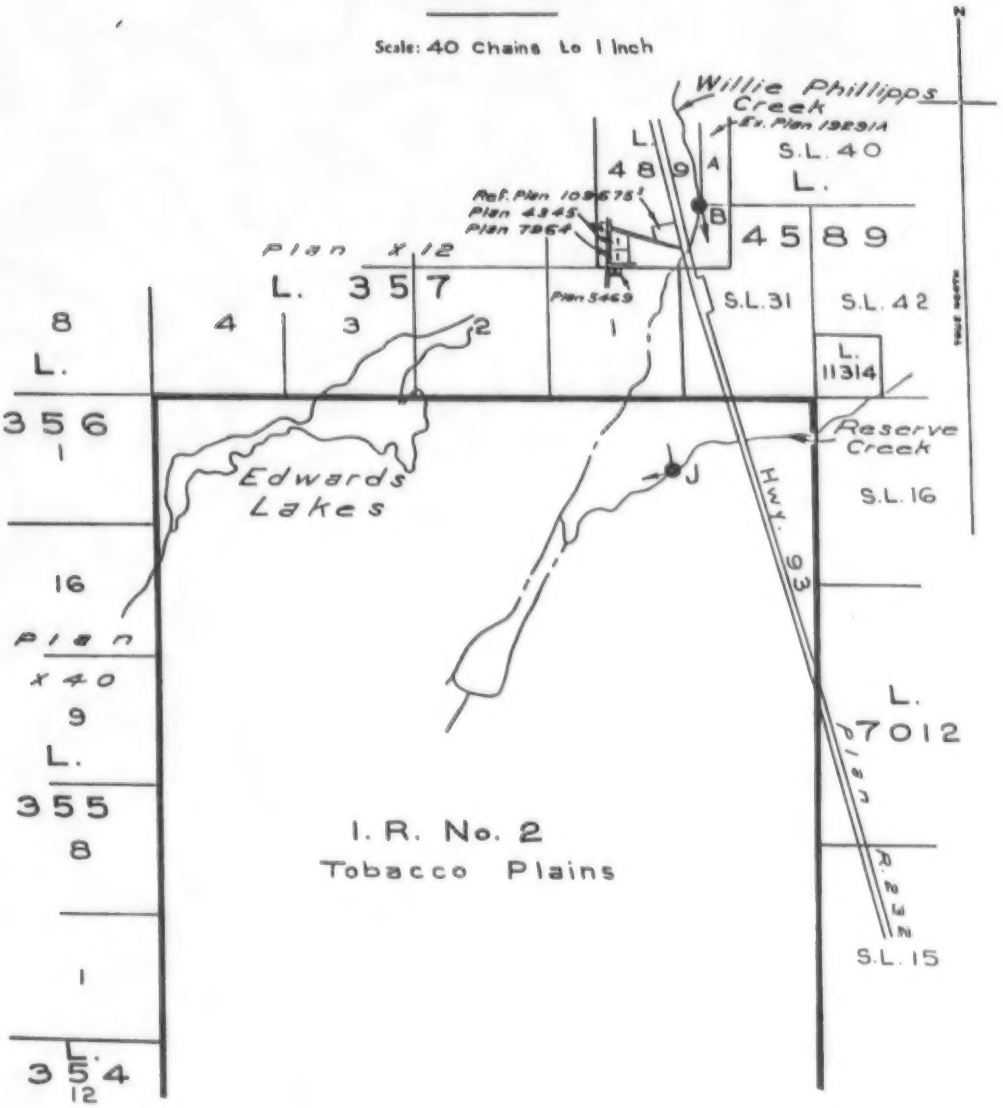
Signature

British Columbia

FERNIE WATER DISTRICT

KOOTENAY DISTRICT

Scale: 40 Chains to 1 Inch



LEGEND

Point of Diversion ●
W.R. Map 2011
Pipe ——-——

The boundaries of the land to which this licence is appurtenant are shown thus: ————

Signature

Date June [illegible]

Amended F.L. 9090
File 0241153

Tobacco Plains Precinct

W.R.B. 2—2M-6-37

PROVINCE OF BRITISH COLUMBIA.

WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

FINAL WATER LICENCE.

The ~~Superintendent-General~~ Director of Indian Affairs of Ottawa, Canada, is hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is Phillips Creek,

a tributary of Kootenay River.

(b.) The points of diversion from the stream ~~is~~ are located as shown in the Exhibit marked "A" hereto attached.

(c.) The date from which this licence shall have precedence is 9th October, 1900.

(d.) The purpose for which the water is to be used is Irrigation.

(e.) The maximum quantity of water which may be diverted from the stream is 86 acre-feet per annum.

(f.) The period of the year during which the water may be used is 1st April to 30th September.

(g.) The land upon which the water may be used is 34.4 acres of South Easterly portion of Indian Reserve #2, Tobacco Plains,

as shown in the said Exhibit "A"

(h.) The works for the diversion and the carriage of the water consists of ditches and flumes.

(i.) This licence is issued in substitution of Conditional Water Licence No. 7362.

E. Davis

Comptroller of Water Rights.

ENTERED ON
Map No. 2010
By. DJ.

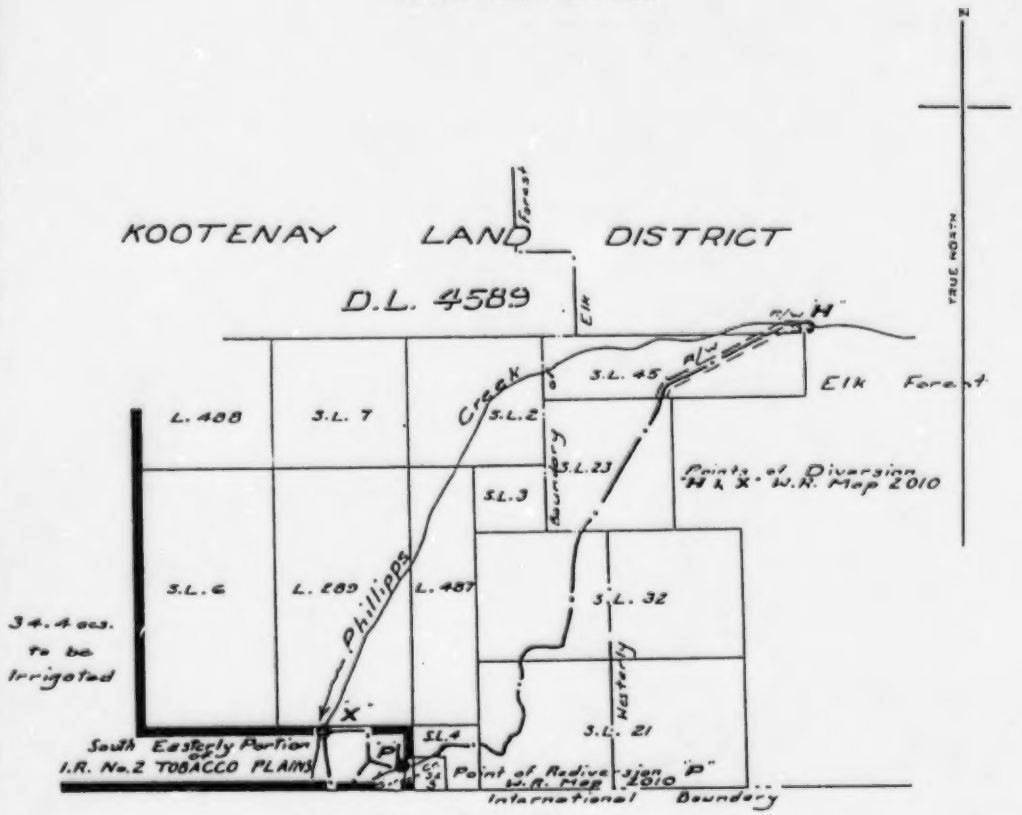
File No. 10-21-1. Date issued 15th May, 1941. Licence No. 11385

British Columbia.

To accompany Final Licence No. 11385
& Permit for R/W over Crown Land

FERNIE WATER DISTRICT.

Scale, 40 Chains to 1 Inch.



GDG

LEGEND

Points of Diversion & Rediversion ●

Ditch & Flume ——·——·——

The boundaries of the land to which this licence is appurtenant are shown: ——————

Right-of-Way ═══════

Signature E. Davis.

Date 15th May 1941

EXHIBIT "A"

For R/W see Ref. Map 15-9³(A-4)

F.L (11385) for C.L. 7362
File 10-21-1

WATER MANAGEMENT BRANCH

MINISTRY OF ENVIRONMENT

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

FINAL WATER LICENCE

Tobacco Plains Indian Band of Box 21, Grasmere, B. C. V0B 1R0

is hereby authorized to divert and use water as follows:

(a) The source of the water supply is Willie Phillipps Creek.

(b) The point of diversion is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 23rd September, 1896.

(d) The purpose for which this licence is issued is irrigation.

(e) The maximum quantity of water which may be diverted is 144 acre feet per annum.

(f) The period of the year during which the water may be used 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Indian Reserve #2, Tobacco Plains, Kootenay District, of which 64 acres may be irrigated.

(h) The works authorized hereunder are diversion structure and ditch located as shown on the attached plan.

(i) This licence is issued in substitution of Final Water Licence 9090, in part, under Section 15 of the Water Act.

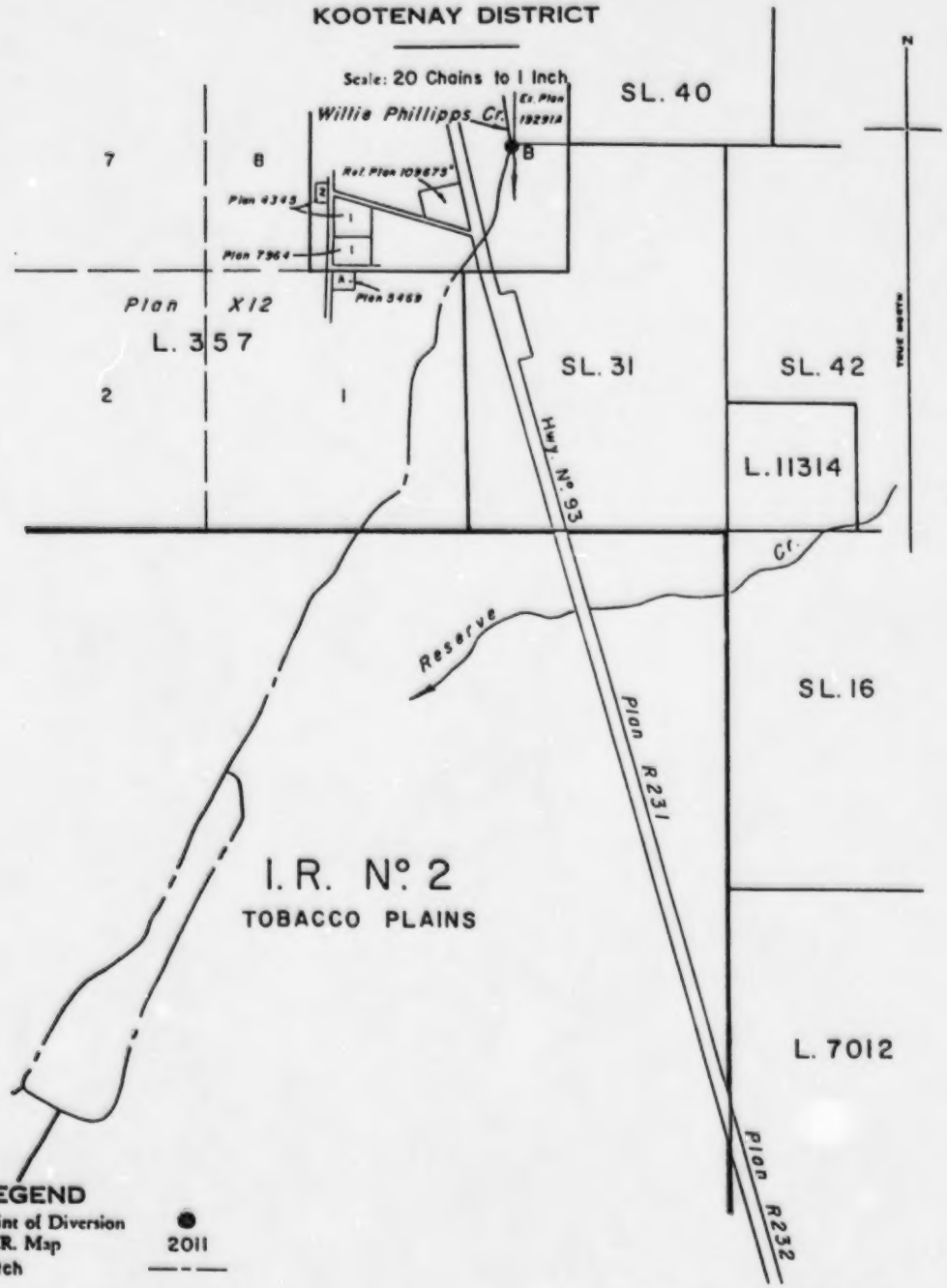
D. E. Farrell
Deputy Comptroller of Water Rights

File No. 0241153 Date issued: November 22, 1985 Final Licence 63479

British Columbia

FERNIE WATER DISTRICT

KOOTENAY DISTRICT



LEGEND

Point of Diversion ●
W.R. Map 2011
Ditch ———

The boundaries of the land to which this licence is appurtenant are shown thus: ———

Signature [signature]

Date November 23, 1967

F.L.63479 for F.L. 9090 in pt.
File 0241153

Tobacco Plains Precinct

ATTACHMENT 5

Stream Register Report — Water Licence Information System — DATE: 1995/06/22 TIME: 16:20 PAGE: 001

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	FUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		NR Map	FCC	RED POD Comments					Free	
1990/07/03	C100105	400304?	WEST HALF OF SUBLOTS 7 & 9 AND SUBLOT 10 EL 366 MTY DIST PL 442	PHILLIPS BILL J & CHARLOTTE E PO BOX 1 CRAWFORD NE VOE1V0	DOM IRR	1,000.00 CD 500.00 AF	Jan 01 Apr 01	Dec 31 Sep 30		
	-									
	Edwards Lakes		WR01.G.029	I N					C#8 FER - TOBACCO PLAINS	

---------- Total of 1 Licence Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : JNEILL
Date Report Requested : 1995/06/22 16:20
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria:
START POINT : FD61933 - 02.C.005 1
END POINT : SC9452 - Seneca Lakes

Stream Register Report Water Licence Information System

Report Requested By : JSTEINBAUER
Date Report Requested : 1995/06/01 15:47
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : P013929 - 3010 TT
END POINT : S02472 - Gordon Creek

Priority YYYY/MM/DD	Licence Number	File Number	Apportionment	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		WR Map	POD	RED POD Comments						Proc
1899/12/02	F004646	0242276	L 200 KOOTENAY DIST	BEAU WEST RANCH C/O JULIA A CONNIR 4040 BELVEDERE DR VANCOUVER BC V7R3C8	DOM	1,000.00 GD	Jan 01	Dec 31		
Gordon Creek		WR2G10	TT	N						008 FER - TOBACCO PLAINS
1900/10/09	F011305	0241154	36 AC OF SE PART IR 23 TOBACCO PLAINS KOOTENAY DIST	TOBACCO PLAINS INDIAN BAND 981-6403 7426 BOX 76 GRASMERE BC V0B1B0	IRR	66.00 AF	Apr 01	Sep 10		
Gordon Creek		WR2G10	P	Y REDIVERSION FROM R 2010 & X 2010	PHILLIPS CR					008 FER - TOBACCO PLAINS
Phillippe Creek		WR2G10	X	N REDIVERSION AT P 2010 GORDON CR						
Phillippe Creek		WR2G10	R	N REDIVERSION AT P 2010 GORDON CR						

---------- Total of 2 Licences Reported ----------

Stream Register Report Water License Information System

Report Requested By : JSTEINBAUER
Date Report Requested : 1995/06/14 13:11
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : 0023930 - 2010 JJ
END POINT : 5025419 - Johnson Spring

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licencee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source			NR Map	POD	RED POD	Comments				
1966/07/29	C034927	0370277	IR 42 TOBACCO PLAINS RODTENAY DIST LYING E OF ELKO-ROOSVILLE HWY (DF 24453) EXC PLAN 84269	TOBACCO PLAINS INDIAN BAND 501-603-7436 BOX 76 GRASMERE BC V0B1B0	DOM	7,000.00 CD	Jan 01	Dec 31		
Johnson Spring			NB2010	JJ	W				088 FEB - TOBACCO PLAINS	
1971/08/06	F062564	0317472	SL 4 GW L 4549 KOOTENAY DIST PLAN K-27	HALL, LYLE BOX 11 GRASMERE BC V0B1B0	DOM	900.00 CD	Jan 01	Dec 31		
Johnson Spring			NB2010	JJ	W				088 FEB - TOBACCO PLAINS	

---------- Total of 2 Licences Reported ---- ----

Stream Register Report Water Licence Information System

Report Requested By : JSTEINHAUER
Date Report Requested : 1995/06/15 14:12
Report Sorted By : Source Counted - Priority Date - Licence Number
Selection Criteria
START POINT : FD23507 - 2010 H
END POINT : SQ2402 - Phillippe Creek

Priority YYYY/MO/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source			NR Map	POD	RED POD Comments				Free	
1893/08/29	C104308	0245703	DISTRICT LOT 309 KOOTENAY DISTRICT EX CEPT PART INCLUDED IN PLAN B332 AND TRAT PART OF LOT A PLAN NEP19998 LOCATED WITHIN DISTRICT LOT 407 KOOTENAY DISTRICT	PROUDFOOT JULIA C/O BEAU WEST RANCHES P.O. BOX 41 GRASMERE BC V0B1R0	IRR	335.00 AF	Apr 01	Sep 30		APL UNDER APPEAL
Phillippe Creek			NR2010	A N					088 FEB - TOBACCO PLAINS	
1900/10/09	F011305	0241154	36 AC OF SE PART IR #2 TOBACCO PLAINS KOOTENAY DIST	TOBACCO PLAINS INDIAN BAND 981-603-7426 BOX 76 GRASMERE BC V0B1R0	IRR	66.00 AF	Apr 01	Sep 30		
Phillippe Creek			NR2010	E W REDIVERSION AT P 2010 GORDON CR					088 FEB - TOBACCO PLAINS	
Phillippe Creek			NR2010	E N REDIVERSION AT P 2010 GORDON CR						
Gordon Creek			NR2010	P Y REDIVERSION FROM E 2010 & X 2010	PHILLIPS CR					
1905/11/20	C044974	0242272	15.65 AC OF SL 2 OF L 4589 KOOTENAY DIST REF PLAN 9796I EXC PLAN 5327,6035,5670 & RWY RD 63 (PLAN B-232)	RUD GEORGE E ROD ERNEST A BOX 7 EUREKA MT 59917	DOM IRR	200.00 GD 19.13 AF	Jan 01 Apr 01	Dec 31 Sep 30		
Phillippe Creek			NR2010	E W					088 FEB - TOBACCO PLAINS	
Phillippe Creek			NR2010	F N						
1905/11/20	C044975	0329593	0.4 AC OF L 1 OF SL 2 OF L 4589 KOOTENAY DIST PLAN 5327	CAYENNE LLOYD & NANCY GD GRASMERE BC V0B1R0	IRR	1.00 AF	Apr 01	Sep 30		
Phillippe Creek			NR2010	PP N					088 FEB - TOBACCO PLAINS	
1905/11/20	C044977	0329595	0.6 AC OF L A OF SL 2 OF L 4589 KOOTENAY DIST PLAN 5670	LETCHER PATRICIA J BOX 75 GRASMERE BC V0B1R0	IRR	1.50 AF	Apr 01	Sep 30		
Phillippe Creek			NR2010	EE N					088 FEB - TOBACCO PLAINS	

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licencee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
	Source		WB Map	POD	REB POD Comments				Free	
1905/11/20	C064508	0329594	0.24 AC OF L A OF SL 2 OF L 4589 KOOTENAY DIST PLAN 6035	CROMBIE JOHN BOX 22 CRASHERE BC V0B1R0	IRR	0.60 AF	Apr 01	Sep 30		
	Phillippe Creek		WR2010	XX	N				008 FER - TOBACCO PLAINS	
1905/12/19	F003690	0035730	12 AC OF SL 3 OF L 4589 KOOTENAY DIST	THOMPSON WESLEY BOX 2 CRASHERE BC V0B1R0	DOMIN IRR	100.00 CD 24.00 AF	Apr 01 Apr 01	Sep 30 Sep 30		
	Phillippe Creek		WR2010	G	N				006 FER - TOBACCO PLAINS	
1907/02/01	C104303	0242273	SUBLOT 21 (REFERENCE PLAN 97901) OF D ISTRICT LOT 4589 KOOTENAY DISTRICT	HALL LOLA BOX 33 CRASHERE BC V0B1R0	IRR	10.50 AF	Apr 01	Sep 30		
	Phillippe Creek		WR2010	E	N				008 FER - TOBACCO PLAINS	
1908/02/07	C104304	0242274	SUBLOT 23 (REFERENCE PLAN 97901) OF D ISTRICT LOT 4589 KOOTENAY DISTRICT	LETCHER DONALD J & ALICE L PO BOX 25 CRASHERE BC V0B1R0	IRR	49.00 AF	Apr 01	Sep 30		
	Phillippe Creek		WR2010	H	N				008 FER - TOBACCO PLAINS	
1930/07/19	C042406	0092094	10 AC L A OF SL 9 OF L 4589 KOOTENAY DIST PLAN 3008	LETCHER CECIL G GD CRASHERE BC V0B1R0	IRR	25.00 AF	Apr 01	Sep 30		
	Phillippe Creek		WR2010	M	N				008 FER - TOBACCO PLAINS	

Priority YYYY/MM/DD	Licence File Number	Appurtenancy Number	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		WR Map	PUD RED PUD Comments					Fees	
1948/04/16	C042487 0173069	15.7 AC OF SL 9 OF L 4589 KOOTENAY DIST EXC PLAN 3000 & R332	MCDONALD RANCH & LUMBER LTD BOX 56 GRASMERE BC V0B1R0	IRR	37.50 AF	Apr 01	Sep 30		
Phillippe Creek		WR2010	W W					083 FEE - TOBACCO PLAINS	
1972/03/21	C041575 0305835	L A OF SL 2 OF L 4589 KOOTENAY DIST PLAN 5670	LETCHER PATRICIA J BOX 25 GRASMERE BC V0B1R0	DOM	1,000.00 GD	Jan 01	Dec 31		
Phillippe Creek		WR2010	RR N					088 FEE - TOBACCO PLAINS	
1973/05/04	C042695 0316046	120 AC OF SL 8 & 11 OF L 4589 KOOTENAY DIST PLAN X27	MCDONALD RANCH & LUMBER LTD BOX 56 GRASMERE BC V0B1R0	IRR	300.00 AF	Apr 01	Sep 10		
Phillippe Creek		WR2010	W W					088 FEE - TOBACCO PLAINS	
1974/09/03	C049210 0323774	60 AC OF SL 9 & 10 OF L 4589 KOOTENAY DIST EXC PLAN A3000 & HWY NO 93 (PLAN R332)	MCDONALD RANCH & LUMBER LTD BOX 56 GRASMERE BC V0B1R0	IRR	170.00 AF	Apr 01	Sep 30		
Phillippe Creek		WR2010	W W					088 FEE - TOBACCO PLAINS	
1976/05/07	C052353 0340225	PWR HOUSE SITE ON SL 45 OF L 4589 KOOTENAY DIST	MCDONALD RANCH & LUMBER LTD BOX 56 GRASMERE BC V0B1R0	PRCUM	11.00 CS	Jan 01	Dec 31		
Phillippe Creek		WR2010	W W					088 FEE - TOBACCO PLAINS	

Priority YYYY/MM/DD	License Number	File Number	Appurtenancy	Licensee	POD	RED POD Comments	PUC	Quantity/Units	Term Start	Term End	License Comments	Process Status
	Source		WR Map								Free	
1979/10/10	C056271	0355516	40 AC PART OF SL 2 OF L 4589 REF PLAN 9798I LYING N OF HWY 93 (PLAN R232) EXC PLAN 5670	ROD GEORGE E ROD ERNEST A BOX 7 EUREKA MT 59917			IRR	100.00 AF	Apr 01	Sep 30		
	Phillippe Creek		WR2010	VV	N						088 FEB - TOBACCO PLAINS	

---------- Total of 16 Licenses Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : JUTEINBAUER
Date Report Requested : 1995/06/01 15:44
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : 0823477 - 48.C.005 P
END POINT : 0824430 - Reserve Creek

Stream Register Report

Water Licence Information System

DATE: 1995/06/01
TIME: 15:01
PAGE: 001

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		NR Map	POD	RED POD Comments					Proc	
1896/09/23	C063400	0370651	30.16 AC OF INDIAN RESERVE #2 TOBACCO PLAINS KOOTENAY DIST	TOBACCO PLAINS INDIAN BAND 501-603-7426 BOX 70 CRANBROOK BC V0B1K0	WATER IRR	21,000.00 CD 67.86 AF	Jan 01 Apr 01	Dec 31 Sep 30		
Moyie Creek		NR82.G.005	P	W					GRD FTR - TOBACCO PLAINS	

---------- Total of 1 Licence Reported ----------

Stream Register Report Water License Information System

Report Requested By : JHILL
Date Report Requested : 1995/07/10 13:30
Report Sorted By : Source Gazetted - Priority Date - License Number
Selection Criteria
START POINT : 5013415 - 02.G.005 K
END POINT : 5021443 - Scharf Creek

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		WR Map	POD	RED POD Comments					Free	
1963/05/11	C0080509	0040240	150 AC OF L 7012 EXC ROOT-COL HWY	KOOTENAY DIST (PLAN 8333)	SALAMEXI LITA LYNN C E BOX 35 CHASMERE BC V0B1N0	DOM IRR	1,500.00 GD 375.00 AF	Jan 01 Apr 01	Dec 31 Sep 30	
Schaef Creek		W082.G.006	J	W					048 FIR - TOBACCO PLAINS	
Schaef Creek		W082.G.005	K	W						

---------- Total of 1 Licence Reported ----------

Stream Register Report Water License Information System

Report Requested By : JESSIMMER
Date Report Requested : 1998/06/01 15:51
Report Sorted By : Source Gazetted - Priority Date - License Number
Selection Criteria
START POINT : 8022962 - Sumo Creek
END POINT : 8022962 - Sumo Creek

---------- No Licences Reported ----------

Stream Register Report Water Licence Information System

Report Requested By : JSTEINHAUER
Date Report Requested : 1995/06/01 15:37
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : PB23464 - 02.G.005 E
END POINT : SQ0456 - Village Creek

Stream Register Report

Water Licence Information System

DATE: 1998/06/01
TIME: 13:39
PAGE: 001

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source		MR Map	POD	MED POD Comments					Proc	
1963/07/31	C020582	0251129	IR #2 TOBACCO PLAINS DIST	KOOTENAY						
				TOBACCO PLAINS INDIAN BAND 981-683-7436 BOX 76 CRANBROOK BC V0B1B0	DOM	3,000.00 GD	Jan 01	Dec 31		
Village Creek		W002.C.005	E	N					ORR FTR - TOBACCO PLAINS	

---------- Total of 1 Licence Reported ----------

Stream Register Report Water License Information System

Report Requested By : JUTEINBAUER
Date Report Requested : 1995/06/15 10:46
Report Sorted By : Source Connected - Priority Date - Licence Number
Selection Criteria
START POINT : PG23969 - 2011 00
END POINT : SG2432 - Willie Phillippe Creek

Priority YYYY/MO/DD	License Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	License Comments	Process Status
Source		MB Map	POD	RED POD Comments					Proc	
1896/09/23	F063479	0241153	64 AC OF IR #2 TOBACCO PLAINS KOOTENAY DIST	TOBACCO PLAINS INDIAN BAND 981-603-7426 BOX 76 GRASMERE BC V0B1R0	IRR	144.00 AF	Apr 01	Sep 30		
Willie Phillippe Creek		MR2011	B	N					088 FER - TOBACCO PLAINS	
1906/09/25	C054504	0265701	76 AC OF L 489 KOOTENAY DIST EXC PLAN 4345, 4654, 5469 & 7966 EXP PLAN 19291A REF PLAN 1096751 & PARCEL B (DD 576881)	SINCLAIR ROY & BETTY BOX 36 GRASMERE BC V0B1R0	DOM IRR	500.00 GD 220.00 AF	Jan 01 Apr 01	Dec 31 Sep 30		
Willie Phillippe Creek		MR2011	RR	N					088 FER - TOBACCO PLAINS	
Willie Phillippe Creek		MR2011	TT	N						
1906/09/25	C054505	0367532	10 AC OF PARCEL B (DD 576881) OF L 489 KOOTENAY DIST	KALMAS KENNETH J & FRANCES P BOX 13 GRASMERE B C V0B1R0	IRR	30.00 AF	Apr 01	Sep 30		
Willie Phillippe Creek		MR2011	SS	N					088 FER - TOBACCO PLAINS	
1906/09/25	C054506	0367533	2.3 AC OF L A OF L 489 KOOTENAY DIST PLAN 4654	PIGOTT MICHAEL W & MARIE J GD GRASMERE BC V0B1R0	IRR	6.40 AF	Apr 01	Sep 30		
Willie Phillippe Creek		MR2011	TT	N					088 FER - TOBACCO PLAINS	
1957/10/07	F030363	0218806	PART OF L 489 KOOTENAY DIST SHOWN ON REF PLAN 1096751	SUTLER EDWARD S GD GRASMERE BC V0B1R0	DOM	1,000.00 GD	Jan 01	Dec 31		
Willie Phillippe Creek		MR2011	AA	N					088 FER - TOBACCO PLAINS	

Priority YYYY/MM/DD	Licence Number	File Number	Appurtenancy	Licensee	PUC	Quantity/Units	Term Start	Term End	Licence Comments	Process Status
Source			WR Map	POD	RED	POD Comments				Proc
1978/02/03	C054368	0342624	L 489 KOOTENAY DIST EXC NLY 10 CHAINS,HWY 93 (PLAN R231),PARCEL A (EXP PLAN 19291A) REF PLAN 109675I & PLAN 4345,4654,3469 & 7964	SINCLAIR ROY & BETTY BOX 36 GRASMERE BC V0B1R0	DOM	2,000.00 GD	Jan 01	Dec 31		
Willie Phillippe Creek			WR2011	KR	N				GSR FER - TOBACCO PLAINS	
1979/11/30	C055843	0355773	FWR HOUSE SITE SITUATED ON PART OF L 489 KOOTENAY DIST LYING E OF HWY 93 (PLAN R231) EXC PARCEL B (C/T 57608I) PARCEL A EXP PLAN 19291A & PLAN 4654	SINCLAIR ROY & BETTY BOX 36 GRASMERE BC V0B1R0	PARES	0.75 CE	Jan 01	Dec 31		
Willie Phillippe Creek			WR2011	QQ	N				GSR FER - TOBACCO PLAINS	

---------- Total of 7 Licences Reported ----------

ATTACHMENT 6

MONTHLY AND ANNUAL MEAN DISCHARGES IN CUBIC METRES PER SECOND FOR THE PERIOD OF RECORD

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	MEAN	YEAR
1914	---	---	---	---	1.97	2.16	0.961	0.481	0.397	0.539	0.618	---	---	1914
1915	---	---	---	1.07	1.58	2.21	1.70	0.648	0.421	---	---	---	---	1915
1922	---	---	---	---	---	---	---	1.27	0.687	0.431	---	---	---	1922
1923	---	---	---	0.309	1.56	2.87	0.996	0.357	0.318	---	---	---	---	1923
1924	---	---	---	0.272	1.71	2.94	---	---	---	---	---	---	---	1924
1927	---	---	---	---	2.28	4.33	1.38	0.677	0.728	---	---	---	---	1927
1928	---	---	---	0.438	2.69	3.70	0.858	0.480	0.348	---	---	---	---	1928
1929	---	---	---	0.257	1.08	1.88	---	0.348	0.302	---	---	---	---	1929
1930	---	---	---	0.401	1.64	1.73	0.836	0.396	0.313	---	---	---	---	1930
1931	---	---	---	---	---	1.21	0.484	0.171	0.196	---	---	---	---	1931
MEAN	---	---	---	0.410	1.71	2.59	1.16	0.485	0.392	0.539	0.658	---	---	MEAN

LOCATION - LAT. 49 01 30 N DRAINAGE AREA, 59.6 km²
LONG 115 00 53 W REVISED

PHILLIPPS CREEK AT ROOSVILLE - STATION NO. 08NG008

ANNUAL EXTREMES OF DISCHARGE AND ANNUAL TOTAL DISCHARGE FOR THE PERIOD OF RECORD

YEAR	MAXIMUM INSTANTANEOUS DISCHARGE (m³/s)	MAXIMUM DAILY DISCHARGE (m³/s)	MINIMUM DAILY DISCHARGE (m³/s)	TOTAL DISCHARGE (dam³)	YEAR
1914	---	3.79 ON JUN 02	---	---	1914
1915	---	3.20 ON JUN 26	0.235 ON APR 01	---	1915
1922	---	---	---	---	1922
1923	---	6.82 ON JUN 02 5.98 ON JUN 04	0.255 ON AUG 31	---	1923
1927	---	6.88 ON JUN 24 *	---	---	1927
1928	---	5.01 ON JUN 09	0.415E ON APR 01 0.256 ON APR 01 *	---	1928
1930	---	2.35 ON JUN 03	0.187E ON APR 01	---	1930
1931	---	---	---	---	1931

E - ESTIMATED * - EXTREME RECORDED FOR THE PERIOD OF RECORD --- MEAN

PHILLIPPS CREEK NEAR ROOSVILLE (LOWER STATION) - STATION NO. 08NG047

MONTHLY AND ANNUAL MEAN DISCHARGES IN CUBIC METRES PER SECOND FOR THE PERIOD OF RECORD

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	MEAN	YEAR
1947	---	---	---	---	---	---	0.320	0.118	0.164	0.606	---	---	---	1947
1948	---	---	---	---	1.37	1.62	0.478	0.225	0.213	---	0.062	---	---	1948
1949	---	---	---	---	---	---	0.179	0.142	0.213	---	---	---	---	1949
1950	---	---	---	---	0.663	1.43	0.718	0.196	0.216	0.207	---	---	---	1950
1951	---	---	---	---	---	---	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	---	---	1951
1952	---	---	---	---	---	---	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	---	---	---	1952
1953	---	---	---	---	---	---	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	---	---	1953
1954	---	---	---	0.644	1.[illegible]	2.[illegible]	1.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	---	---	---	1954
1955	---	---	---	---	---	2.10	1.41	0.[illegible]	0.[illegible]	---	---	---	---	1955
1956	---	---	---	---	1.78	---	0.[illegible]	0.[illegible]	---	0.[illegible]	---	---	---	1956
1957	---	---	---	---	---	---	0.[illegible]	---	---	0	0.004	---	---	1957
1958	---	---	---	---	2.18	---	0.[illegible]	0.[illegible]	---	---	---	---	---	1958
1959	---	---	---	---	---	---	0.[illegible]	0.[illegible]	0.[illegible]	0.820	---	---	---	1959
1960	---	---	---	0.638	1.[illegible]	3.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	---	---	1960
1961	---	---	---	---	---	---	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	---	---	---	1961
1962	---	---	---	0.[illegible]	0.[illegible]	3.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	---	---	1962
1963	---	---	---	0.[illegible]	0.[illegible]	3.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	0.[illegible]	---	1963
1964	---	---	---	0	0.[illegible]	3.[illegible]	1.[illegible]	0.[illegible]	0.[illegible]	0.004	0	0	---	1964
MEAN	---	---	---	0.164	1.27	2.18	0.678	0.114	0.130	0.196	0.071	0.025	---	MEAN

LOCATION - LAT. 49 00 12 N DRAINAGE AREA, 120 km²
LONG 115 03 32 W NATURAL FLOW

PHILLIPPS CREEK NEAR ROOSVILLE (LOWER STATION) - STATION NO. 08NS047

ANNUAL EXTREMES OF DISCHARGE AND ANNUAL TOTAL DISCHARGE FOR THE PERIOD OF RECORD

YEAR	MAXIMUM INSTANTANEOUS DISCHARGE (m^3/s)	MAXIMUM DAILY DISCHARGE (m^3/s)	MINIMUM DAILY DISCHARGE (m^3/s)	TOTAL DISCHARGE (dam^3)	YEAR
1947	---	---	0.062 ON AUG 08	---	1947
1948	---	2.49 ON MAY 27	0.017 ON OCT 18	---	1948
1949	---	---	---	---	1949
1950	---	---	0.017 ON APR 19	---	1950
1951	---	---	0.004 ON AUG 14	---	1951
1952	---	---	0 ON MAR 31	---	1952
1953	---	---	0 ON NOV 01	---	1953
1954	---	---	0.008 ON NOV 01	---	1954
1955	---	3.34 ON JUN 24	0.017E ON AUG 27	---	1955
1956	---	---	---	---	1956
1957	---	---	0 ON AUG 11	---	1957
1958	---	---	0 ON AUG 08	---	1958
1959	---	5.87 ON JUN 21	0.003 ON AUG 03	---	1959
1960	---	---	---	---	1960
1961	---	---	0.002 ON AUG 22	---	1961
1962	---	---	0.025 ON MAR 16	---	1962
1963	---	---	0 ON MAR 16	---	1963
1964	---	---	0 E ON APR 02	---	1964
MEAN	---	---	---	---	MEAN

E - ESTIMATED * - EXTREME RECORDED FOR THE PERIOD OF RECORD

PHILLIPPS CREEK NEAR ROOSVILLE (UPPER STATION) - STATION NO. 08NS048

MONTHLY AND ANNUAL MEAN DISCHARGES IN CUBIC METRES PER SECOND FOR THE PERIOD OF RECORD

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	MEAN	YEAR
1947	---	---	---	---	---	---	1.79	0.647	0.686	1.13	0.771	---	---	1947
1948	---	---	---	---	---	---	---	---	---	---	---	---	---	1948
1949	---	---	---	---	1.67	1.56	0.832	0.440	0.343	---	---	---	---	1949
1950	---	---	---	---	---	---	---	---	---	---	---	---	---	1950
1951	---	---	---	---	2.26	2.87	1.68	0.892	0.486	0.720	---	---	---	1951
1952	---	---	---	---	---	---	---	---	---	---	---	---	---	1952
1953	---	---	---	---	---	---	---	---	---	---	---	---	---	1953
1954	0.288	0.259	0.243	0.262	1.34	3.87	2.77	0.888	0.682	0.498	0.420	---	---	1954
1955	---	---	---	---	---	---	---	---	---	---	---	---	---	1955
1956	---	0.254	0.219	0.178	1.16	3.84	1.10	0.593	0.417	0.889	---	---	---	1956
1957	---	---	---	---	---	---	---	---	---	---	---	---	---	1957
1958	---	---	---	---	---	---	---	---	---	---	---	---	---	1958
1959	---	---	---	0.353	1.25	3.02	1.89	0.903	1.31	1.34	---	---	---	1959
1960	---	---	---	---	---	---	---	---	---	---	---	---	---	1960
1961	---	---	---	0.547	1.88	4.19	1.76	0.761	0.488	0.491	0.356	---	---	1961
1962	---	---	---	---	---	---	---	---	---	---	---	---	---	1962
1963	---	---	---	---	---	---	---	---	---	---	---	---	---	1963
1964	---	---	---	---	1.58	3.89	1.67	0.938	0.921	---	---	---	---	1964
1965	---	---	---	---	1.45	---	---	---	---	---	---	---	---	19
MEAN	0.290	0.267	0.218	0.405	1.98	3.17	1.40	0.607	0.567	0.562	0.374	0.298	0.810	MEA

LOCATION - LAT. 49 01 30 N DRAINAGE AREA, 92.8 km^2
LONG 115 01 20 W NATURAL FLOW

PHILLIPPS CREEK NEAR ROOSVILLE (UPPER STATION) - STATION NO. 08NS048

ANNUAL EXTREMES OF DISCHARGE AND ANNUAL TOTAL DISCHARGE FOR THE PERIOD OF RECORD

YEAR	MAXIMUM INSTANTANEOUS DISCHARGE (m^3/s)	MAXIMUM DAILY DISCHARGE (m^3/s)	MINIMUM DAILY DISCHARGE (m^3/s)	TOTAL DISCHARGE (dam^3)	YEAR
1947	---	---	---	---	1947
1948	5.41 AT 21:30 FEB 08 MAY 27	5.13 ON MAY 27	---	---	1948
1949	5.09 AT 21:30 FEB 08 MAY 27	4.89 ON MAY 27	---	---	1949
1950	---	---	---	---	1950
1951	4.88 AT 14:45 FEB 08 MAY 27	4.07 ON MAY 27	---	---	1951
1952	---	---	---	---	1952
1953	---	---	---	---	1953
1954	9.95 AT 17:00 FEB 08 JUN 01	8.02 ON JUN 01	0.217 ON MAR 13 0.183E ON MAR 05	25 600	1954
1955	---	---	---	---	1955
1956	6.72 AT 23:00 FEB 08 MAY 27	5.97 ON MAY 27	---	---	1956
1957	---	---	---	---	1957
1958	---	---	0.193E ON MAR 28 0.183E ON APR 05	---	1958
1959	8.39 AT 21:30 FEB 08 JUN 21	7.98 ON JUN 21	---	---	1959
1960	---	---	---	---	1960
1961	---	---	---	---	1961
1962	---	---	---	---	1962
1963	---	---	---	---	1963
1964	---	---	0.159E ON APR 01	---	1964
1965	10.8 AT 09:30 FEB 08 JUN 08	7.05 ON JUN 08	---	---	1965
MEAN	---	---	---	25 600	MEAN

E - ESTIMATED * - EXTREME RECORDED FOR THE PERIOD OF RECORD

ATTACHMENT 7

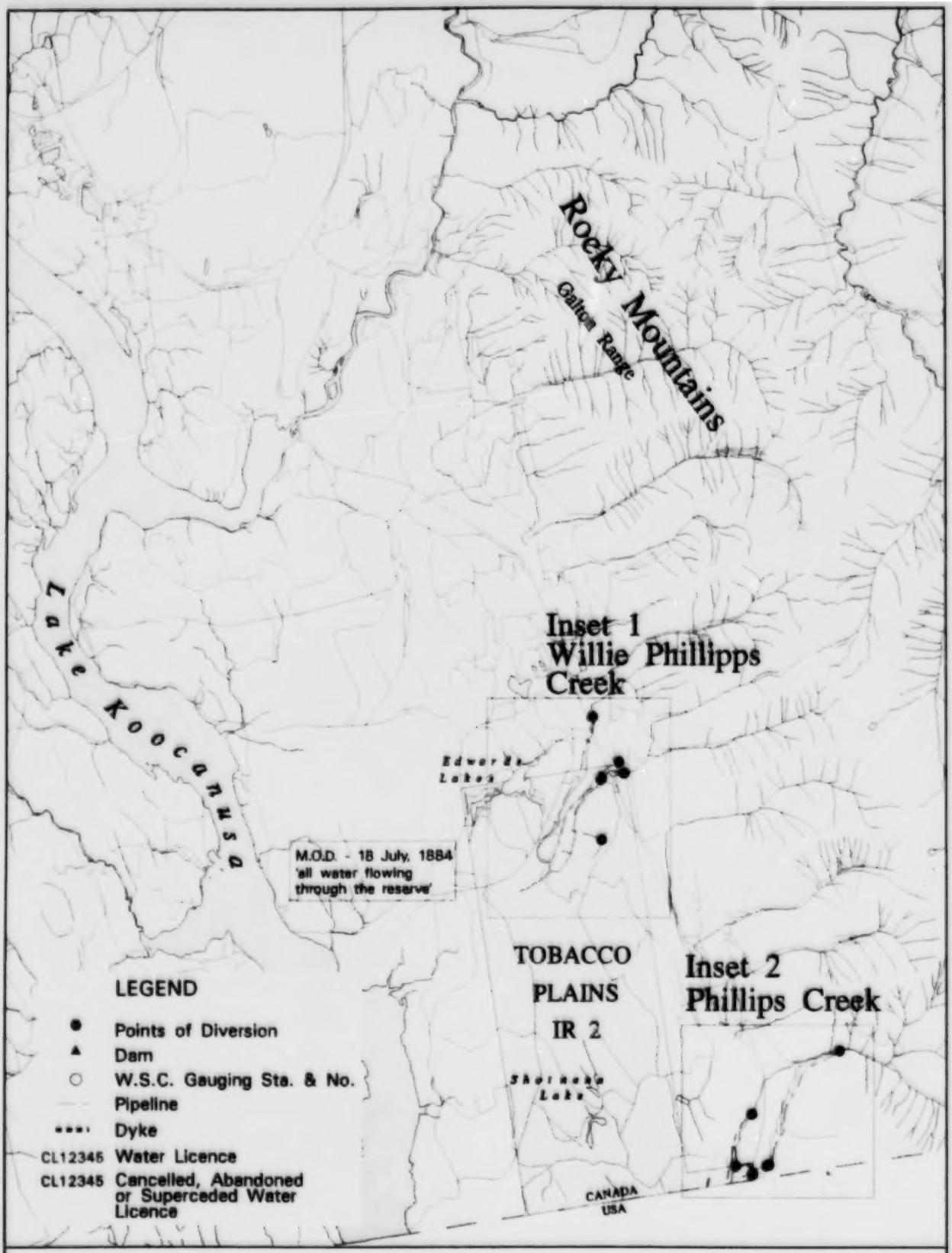
04/04/95

Ministry of Environment - Water Management Branch - Groundwater Section
Groundwater Database System
Data Summary - with Legal Descriptions and Old Coordinates

BCGS Map Area	Well No.	Well Tag No.	Lot No.	Plan No.	Blk No.	TP	SC	RG	D.D.	X	Y	Old Well No.	L.D.	Site Address	Date Constructed (dmy)	Well Depth (ft.)	Well Diam. (in.)	Drill Contr No.	Const. Method	Well Yld.	Yld. Unit	Depth to Water (ft.)	Depth to Bedrock (ft.)	Aquif Lithology	Screen Interval (ft.)	O.W. Use	Chem Lab
082E.005.3.4.4	001	0000001183		7853						05	31	54	001	27	16-10-1974	146.0	6.0	122	DRI	4.0	GPM	130	130	UNC			
082E.005.3.4.4	002	0000001183		7853						05	31	33	002	27	27-09-1985	19.0	6.0	124	DRI	8.0	GPM	*	10	UNC			
082E.005.3.4.4	003	0000001183								05	31	24	003	27	27-05-1985	155.0	6.0	124	DRI	10.0	Gallon	10	10	UNCV			
082E.005.3.4.4	004	0000001183								05	31	04	004	27		160.0	7.0	124	DRI	25.0	GPM	70	70	UNCV			
082E.005.4.3.1	001	0000002944	16							05	31	34	001	27	24-10-1983	96.0	6.0	104	DRI	8.0	GPM	40	70	UNCV			
082E.005.4.3.3	001	0000002947								05	31	35	001	27	24-10-1983	80.0	6.0	104	DRI								

DISCLAIMER: The Province disclaims all responsibility for the accuracy of this information. This information should not be used as a basis for making financial or any other commitments.

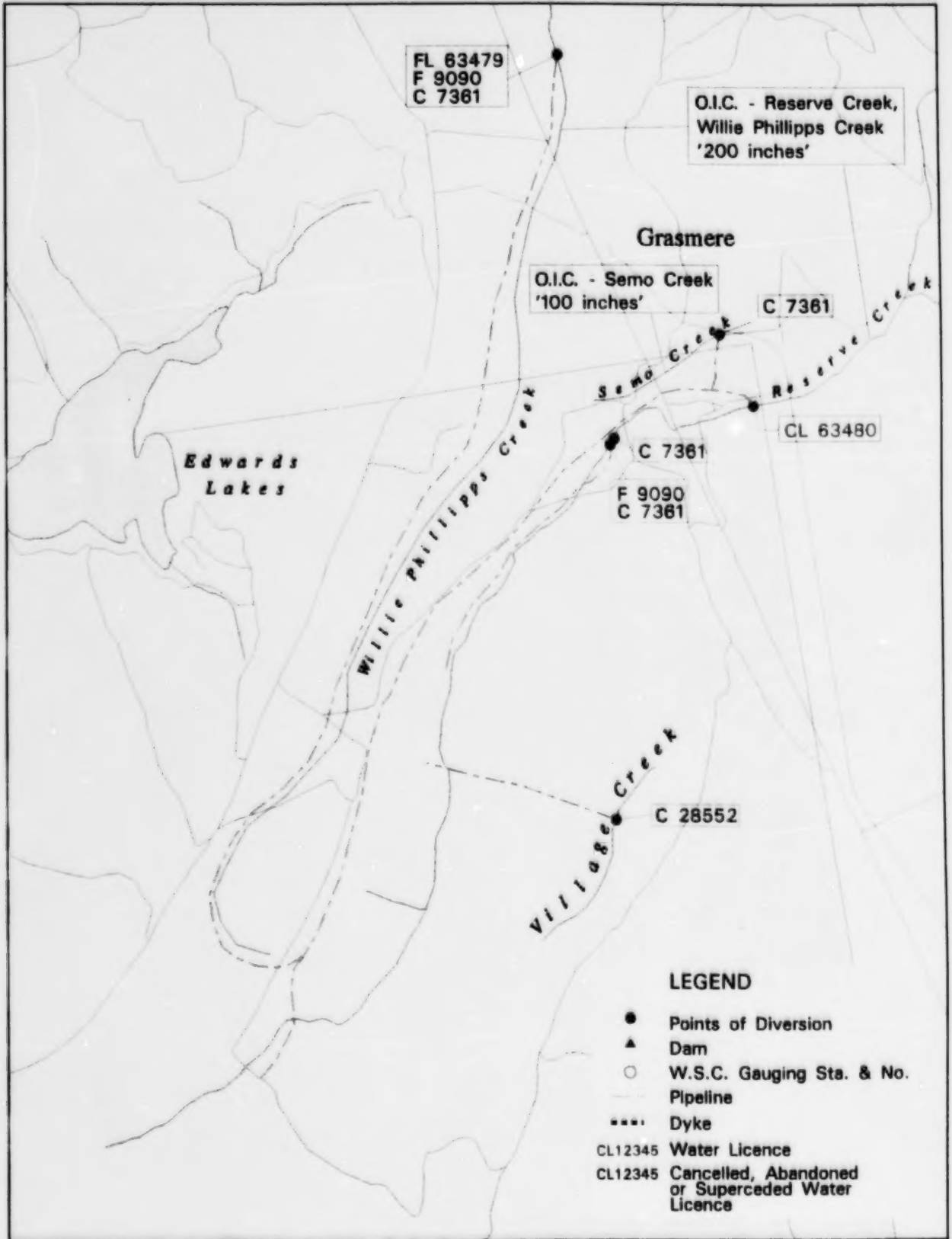
ATTACHMENT 8



Tobacco Plains

Scale 1:125,000

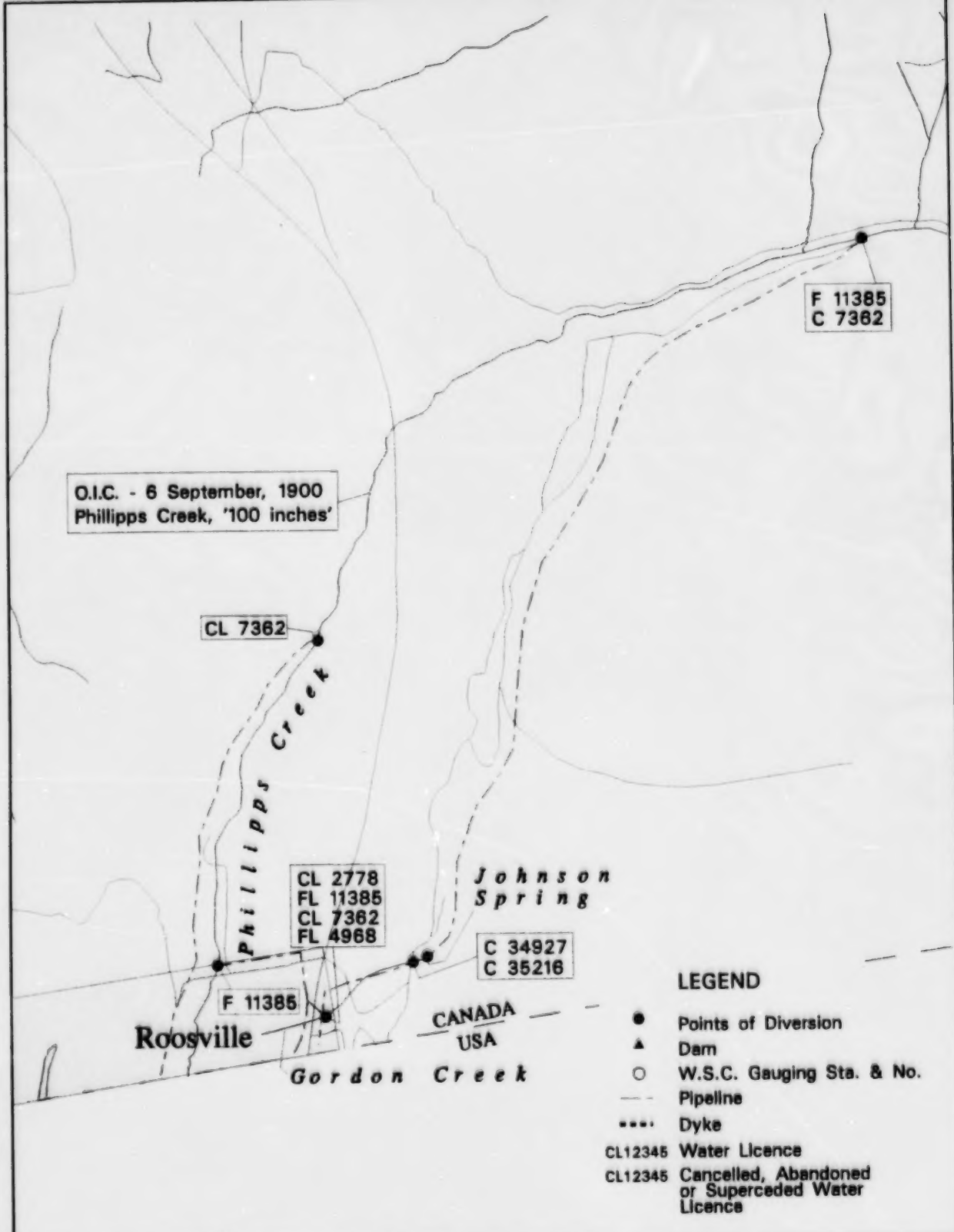
Ministry of Environment, Lands & Parks Date: October 22, 1997 Environment & Lands Division



Willie Phillipps Creek

Scale 1:20,000

Ministry of Environment, Lands & Parks | Date: October 22, 1997 | Environment & Lands Division



Phillipps Creek

Scale 1:20,000

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